

**DEPARTMENT
OF
HEALTH AND HUMAN SERVICES**

OFFICE OF INTEGRATED ACCESS AND SUPPORT

**MAINE PUBLIC
ASSISTANCE MANUAL**

Last updated
05/01/09
87A

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MAINE PUBLIC ASSISTANCE MANUAL
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On October 1, 1996, the Department of Human Services submitted a State Plan to the Secretary of Health and Human Services to eliminate and replace its Aid for Families with Dependent Children Program with Temporary Assistance for Needy Families (TANF) as authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Department will refer to its financial assistance programs as the Temporary Assistance for Needy Families and Parents as Scholars (PaS) programs. These programs provide assistance to families while parents prepare for, accept, and retain employment which supports them. The job preparation program is referred to as ASPIRE-TANF or *ASPIRE-PaS*.

Federal and State statutes provide the authority for TANF and PaS. Maine statutes place the responsibility for administering these programs with the Maine Department of Human Services. Within the Department, the program is administered by the Bureau of Family Independence (BFI).

The TANF and PaS programs are administered in a manner consistent with the objectives of the programs and respect the rights, privacy and personal dignity of the individual under the United States Constitution, the Social Security Act and the Civil Rights Act of 1964.

1. The TANF Program is a financial assistance program for needy families with dependent children who are deprived of parental support or care because of the death, continued absence, incapacity of a parent, or the under employment of a parent who is the principal wage earner.
2. The PaS Program is a student financial aid program based on need limited to 2000 parents who have dependent children deprived of parental support or care because of the death, continued absence, incapacity of a parent, or the under employment of a parent who is the principal wage earner. (Chapter X).

Families who are otherwise eligible for the TANF program who seek one-time, short-term assistance to obtain or retain employment may elect Alternative Aid Assistance instead of TANF. (Chapter IX).

In addition to the basic TANF and PaS programs and the one-time, short-term Alternative Aid Assistance program, the Department administers a limited program of Emergency Assistance (EA). (Chapter VIII).

Furthermore, the Department administers a Non-TANF Federal Funded Refugee Cash Assistance Program of up to eight (8) months of assistance. The determination of financial eligibility is modeled after the TANF Program. Eligibility criteria specific to RCA is described in chapter VII.

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All individuals have the right to apply for any assistance without regard to race, color, national origin, sex, gender orientation, religion, or handicap.

In accordance with the Americans with Disabilities Act, no qualified individual with a disability will, by reason of such disability, be excluded from participation or be denied the benefits of the services, programs or activities of the Maine Department of Human Services, or be subjected to discrimination by the Maine Department of Human Services.

Additionally, applicants and recipients are assured confidentiality, equitable and courteous treatment and may appeal decisions and have fair hearings should they disagree with any action taken affecting their benefit.

Furthermore, the Department will provide interpreters at no cost to non-English speaking individuals applying for or participating in Department Programs.

Assistance will not be given to a family that includes an adult who has received assistance for 60 or more months, whether or not consecutive, under any program funded with Federal Funds which are part of the TANF Block Grant. In determining the number of months for which an individual who is a parent or pregnant has received assistance under a program funded under the TANF Block Grant, the Department will disregard any month for which assistance was provided with respect to the individual and during which the individual was: 1) a minor child and not the head of a household or married to the head of a household, 2) an adult who lived in Indian country during a month when at least 50% of the adults living on the reservation were unemployed, or 3) in a family receiving the enhanced earned income disregard. Extension of benefits beyond 60 months is explained in Chapter I, Time Limit.

The PaS Program is funded with the TANF Block Grant for twelve months of a recipient's participation. While Block Grant funded, the recipient is subject to the 60 month time limit.

After the 12 months of a recipient's participation in PaS, the program will be funded with State money and the participant will not be subject to the 60 month time limit.

An application for the TANF, PaS, RCA or Alternative Aid program is considered an application for medical assistance. Eligibility for Medicaid is determined separately.

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Overview of the Manual:

This manual contains policy covering the eligibility requirements for the TANF, PaS, RCA Emergency Assistance and Alternative Aid Assistance programs, Transitional child care, and Transitional Transportation..

TANF is the basic program. Chapters I through VI describe the basic program, eligibility criteria, the budgeting process, payment process, administrative hearings processes, and transitional services.

Chapter VII contains the specific rules for the Refugee Cash Assistance Program and for TANF Non-citizens.

Chapters VIII through X describe the Emergency Assistance, Alternative Aid Assistance and Parents for Scholars programs and the eligibility criteria specific to those special programs.

The Appendix contains charts referred to throughout the manual.

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Temporary Assistance for Needy Families**

LEGAL BASIS: Federal legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193 enacted August 22, 1996 provides states with an opportunity to administer a financial aid and job preparation program. As a condition of receipt of a Part -A, Block Grant for Temporary Assistance for Needy Families (TANF) under Title IV of the Social Security Act, Maine agreed to administer a welfare program in accordance with the rules of PRWORA, provisions of its State Plan, and all applicable State laws and regulations.

GENERAL RULE: TANF provides temporary financial assistance to families of needy, dependent children who are deprived of parental support or care because of the death, continued absence or incapacity of a parent, or the underemployment of the principal wage earner while the family works towards becoming self-supporting.

PROGRAM REQUIREMENTS: Basic eligibility criteria and program requirements are contained in chapters I through VII and are arranged by subject. Chapter order follows the eligibility determination process generally used for new applicants.

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Eligibility Process**

FS Cross
Reference
FS-1

CONFIDENTIALITY

GENERAL RULE: The Department of Human Services must by Federal and State rules provide for the basic rights and dignity of all applicants or recipients of financial services regarding their confidentiality. The Department must ensure that information about the recipient is maintained in a confidential manner and only released under certain circumstances.

NOTE: All employees of the Department must adhere to this policy.

Address Confidentiality Program

The Address Confidentiality Program, administered by the Secretary of State, provides address confidentiality for victims of domestic violence, stalking or sexual assault and requires state and local agencies and the courts to accept a designated address as the program participants' address when creating a public record. When an applicant or recipient verifies that they are a certified participant in the Address Confidentiality Program, **the designated address is the only address accepted and provided** when staff is required to release information in each circumstance described in pages 2 through 5 of this chapter.

Information requested from outside the Bureau of Family Independence shall be released by the following:

1. **Permission:**

Whenever possible, the individual shall be informed of any outside request for information. Permission for release of information shall either be provided by the inquiring source or requested from the recipient. In an emergency situation when a release cannot be obtained and releasing the information would be in the best interest of the client, they shall be notified promptly of the disclosure and the reason for it.

NOTE: No information will be released to absent parents without release from Caretaker Relatives.

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2. Subpoena:

When the court subpoenas a record or an agency representative to testify concerning an applicant or recipient, the Department's representative will bring to the court's attention the statutes and regulations regarding disclosure. The decision then rests with the presiding judge.

NOTE: The above conditions apply to requests from other government authorities, courts and law enforcement agencies unless the situation is described in 3-f.

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Eligibility Process**

FS Cross
Reference

CONFIDENTIALITY (Cont.)

3. Program Administration:

The release of information shall be limited to programs which establish eligibility and provide services through agencies subject to comparable standards of confidentiality. Information will be released for the following:

- a. Investigation and Recovery
- b. Fair Hearing Preparation: All information pertaining to a decision on eligibility, including medical and social data will be made available to the applicant or recipient or their authorized representative.
- c. General Assistance: Financial information necessary to make a determination as to the need and amount of General Assistance. Medical reports will not be released without the individual's written permission.
- d. Medicaid Providers: Information regarding an individual's eligibility in a given month will be made available to hospital's, doctors, pharmacists and other medical providers to bill for their services.

NOTE: Federal regulation prohibits release of addresses and phone numbers to providers. Their billing requires names, Medicaid numbers, birth dates, and gender.

- e. Preventive Health Program: This agency may need updated information on a residence address or phone number in order to provide on-site services.

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FS Cross
Reference

CONFIDENTIALITY (Cont.)

- f. Law Enforcement: The current address of a recipient will be provided to a Federal, State or local law enforcement officer on request of the officer if the officer provides the agency with:
 - 1. the recipient's name and enough information to identify the individual, and
 - 2. notification that the individual is fleeing to avoid prosecution or custody or confinement after conviction or that the individual has information that is necessary for the officer to conduct the official duties of the officer and the location or apprehension of the recipient is within such official duties.
- g. Other Social Service Agencies: Information will be made available upon receipt of written authorization from the individual.

NOTE: This is not required of Social Services within the Department; however, they will be required to seek permission of the Worker to access the record and may not remove it without permission.

- h. Suspected Child Abuse or Neglect: Information regarding suspected child abuse or neglect of any child on the assistance grant must be reported to Department of Human Services Bureau of Child and Family Services. Also information must be released to any local or state agency or official legally authorized to investigate child abuse and neglect under Maine law.

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CONFIDENTIALITY (Cont.)

- i. Immigration and Naturalization Service:
Information regarding "counterfeit, altered or
fraudulent documentation" used to obtain benefits
shall be requested by INS in writing for criminal
investigation.

CASE RECORD PURGING: Case record material must be retained from November 1, 1996. All prior records may be destroyed, unless the case has been referred to Investigation and Recovery or the Attorney General's Office for collection or prosecution. These cases shall be marked "Do Not Destroy".

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APPLICATION PROCESS

GENERAL RULE: All individuals have the right to file an application for TANF or PaS benefits. An application for TANF or PaS is considered an application for Medicaid. Eligibility for financial assistance and for Medicaid is determined separately.

Individuals should be encouraged to file an application as soon as possible, since benefits will be calculated from the date of application or from the date of statutory eligibility, whichever occurs later.

The applicant or their representative must complete and sign, under penalty of perjury, an application and be interviewed face-to-face. Furthermore, all applicants must attend an orientation meeting within thirty (30) days of application and must sign a Family Contract. In addition, all other filing unit members who are mandatory ASPIRE-TANF participants must attend an orientation meeting within thirty (30) days of application and sign a Family Contract. Eligibility will be determined after both the initial interview and the orientation meeting are completed.

NOTE: All filing unit members who are mandatory ASPIRE-TANF participants as well as all applicants must attend a TANF orientation meeting to complete the application process unless good cause exists. (See good cause below.)

Exception: If the application date is less than ninety (90) days since the applicant or mandatory ASPIRE-TANF participant last attended an orientation meeting, it is not necessary for the individual to attend an orientation meeting to complete the application process.

NOTE: An orientation meeting is usually held at a Department Office, but can be held at a place other than the Department's offices. It may be at an applicant's home or at another meeting site. The attendance and date of attendance will be discussed at the initial interview. If the client can't attend the regularly scheduled interview, staff will arrange an alternative date or location at that time.

Good cause exists when the individual or the child is a victim of domestic violence, (which includes physical injuries or the psychological effects of abuse), and participation in ASPIRE TANF could result in physical or emotional harm to the child or other family member. Domestic violence victims may volunteer to participate in an orientation meeting.

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APPLICATION PROCESS (cont.)

NOTE: The full definition of domestic violence for the purpose of good cause is the inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:

- a. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or
- b. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual.

EXCEPTION: When circumstances beyond the control of an applicant or mandatory ASPIRE-TANF participant prevents them from attending an orientation meeting within 30 days, the Department will grant the application, if otherwise eligible, and require the completion of the orientation meeting within the second 30 days of application. Examples:

1. Illness or incapacity of the participant or dependent children. Verification by a physician may be required.
2. Court-required appearance or incarceration.
3. Lack, or breakdown, or necessary supportive services such as child care or transportation, with no appropriate alternative available at no additional cost to the participant or the program.
4. Inclement weather which prevents the participant from traveling to an activity which is severe enough to prevent other participants from traveling to the same activity.

NOTE: The initial month's benefit is prorated according to the Table of Percentages in the Appendix.

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222-1

APPLICATION PROCESS (cont.)

The Process:

Orientation to TANF programs begins with the initial interview. During the initial interview of the application process, the Department shall provide applicants with information about coverage, conditions of eligibility and rights and responsibilities including information, both orally and in writing, of the availability of services for victims of domestic violence. If an applicant or other mandatory ASPIRE-TANF participant indicates that there is a reason not to attend the Orientation meeting, staff must determine whether they qualify for "good cause". An individual may not be required to participate in any TANF activity including the orientation meeting until the good cause determination is made.

NOTE: When a determination of good cause is made, the ASPIRE-TANF program may contact the individual and offer domestic violence victim services or other appropriate services including an orientation meeting on a voluntary basis.

During the initial interview, a representative of the Department and the TANF or PaS family must enter into a contract by signing a form referred to as the Family Contract. The Family Contract states the responsibilities of the parties to the agreement including, but not limited to, cooperation in child support enforcement and determination of paternity, the requirements of ASPIRE-TANF Program participation and referral to parenting activities and health care services.

NOTE: Signing the Family Contract does not waive the person's right to appeal anything in the Family Contract with which they disagree.

NOTE: Individuals can refuse health care services if such services are prohibited by their religious beliefs.

The Family Contract must be signed by TANF or PaS parents or caretaker relatives. The Family Contract will be amended to include individual employability plans as filing unit members enter the ASPIRE-TANF program and when participation review occurs. Written copies of the Family Contract and notice of the right to a fair hearing must be given to the individual at the initial signing and whenever the Contract is amended.

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111-5
caretaker

APPLICATION PROCESS (cont.)

REFUSAL TO SIGN THE FAMILY CONTRACT: When a parent or

relative refuses to sign the Family Contract they will be sanctioned. The sanction will follow the policy pertaining to non-compliance with the ASPIRE-TANF Program.

NOTE: After the parent or caretaker relative is granted TANF or PaS, if they fail to comply with either child support requirements or with ASPIRE-TANF requirements without good cause, DSER or ASPIRE-TANF staff will notify TANF eligibility staff who will apply appropriate sanctions described in Chapters II and VI.

Failure to comply with ASPIRE-TANF referrals to parenting activities or health care services without good cause will result in review and evaluation of the reason for noncompliance and may result in sanctions.

Responsibility of Bureau Staff:

Bureau staff or their representative will advise all TANF or PaS applicants and recipients of the availability of the ASPIRE-TANF program and other services, including the following:

1. education, employment, and training opportunities available;
2. supportive services available during participation, and transitional services available when TANF or PaS eligibility stops;
3. assistance in establishing paternity and obtaining child support and reminding them of their responsibility to cooperate;
4. the grounds for exemptions from participation and the consequences for refusing or failing to participate. Also volunteers will be informed that their failure to participate will not result in sanctions.
5. Information about the PaS Program.
6. information about Earned Income Tax Credit.
7. the criteria which must be met to remain eligible beyond sixty months.

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APPLICATION PROCESS (cont.)**Medicaid**

All applicants who are eligible for Medicaid will have retroactive medical eligibility determined for three months prior to the date of application unless they waive consideration for all or part of the period. can only be authorized coverage for up to 3 consecutive month(s) immediately prior to the month of application. If medical coverage is requested for all three months but excess income or assets causes ineligibility for one or more of the months, staff will determine eligibility for other medical assistance programs. Applicants are notified of the decision regarding prior Medicaid coverage.

EXAMPLE:

Application month November

Eligibility is determined by the TANF and PaS Worker for:

October, September and August

October and September

October

Eligibility is determined by the TANF and PaS Worker for:

October and August (excluding September)

September and August (excluding October)

August (excluding October and September)

NOTE: Adding an individual to an ongoing case will not require an application form, however the individual will be considered an applicant. With the exception of newborns, eligibility will begin with the date of report to the Department. A newborn is added from the date of birth when the Eligibility Worker has prior knowledge of the expected birth. Otherwise, the newborn is added from the date of report.

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APPLICATION PROCESS (Cont.)

Time Standards

A decision will be rendered so that eligible applicants will receive a check within 45 days. Because of the time required to convert an authorization for payment into a check, a decision must be made within 30 days. This time standard will **not** be used as a **waiting period** or as a **basis for denial**.

NOTE: The Department will use the same procedure when mailing a decision or check to the designated address of a participant in the Address Confidentiality Program (ACP). The administrators of the Address Confidentiality Program will then forward the mail to the ACP participant. Therefore, the ACP participant will experience delays in receiving decisions and checks.

When an applicant **refuses** to provide required information or verification the Eligibility Worker:

1. makes sure the applicant understands that benefits will be denied unless the information is provided,
2. documents the refusal, and denies the application.

When an **applicant fails to provide required information or fails to contact the agency** by a specified date, the Eligibility Worker:

1. documents the failure to contact or provide required information, and
2. denies the application after the specified date.

When an applicant **has good cause for failing to provide required information**, the Eligibility Worker:

1. offers to provide assistance in obtaining the information;
2. waives a requirement under extraordinary circumstances when the proof is unlikely ever to be available and obtaining it is outside the control of the client or agency;
3. keeps the application pending an additional 30 days while the client or agency continues their attempt to get the required proof;
4. grants the application back to the original date of application when required proof is obtained within the second 30 day-period providing that the client is eligible to that date; or

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APPLICATION PROCESS (Cont.)

5. denies the application when the required information is not provided within the second 30-day period.

When an Eligibility Worker determines the client does not have good cause, they:

1. document the explanation given for the failure and why it does not establish good cause, and
2. denies the application.

Good Cause Reasons Include:

1. Natural disasters, such as fires or floods, having a direct impact on the applicant/recipient or an immediate family member.
2. Illness of such severity on the part of the applicant/recipient or an immediate family member that the applicant/recipient is unable to direct his or her personal affairs.
3. Refusal of an employer to provide earned income verification, or the unavailability of an employer to provide verification before the deadline.
4. Lost or stolen mail.
5. Refusal of a landlord to verify housing expense.
6. Death of the applicant/recipient or an immediate family member.
7. Inability of a third party (e.g. Social Security Administration) to provide the necessary documentation within the designated time period.

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APPLICATION PROCESS (Cont.)

Verification and Documentation

Necessary clarification is first sought from the applicant and the documents furnished by the applicant. With the exception of public records, information will be gathered only with the applicant's knowledge. In the event of inconclusive or conflicting information, the applicant will be advised as to what questions remain unanswered and what needs to be provided.

Some examples of situations requiring additional information:

1. discrepancy in income or resources
2. parent deceased, no Social Security income declared
3. unemployed, no unemployment declared
4. changes in reason for deprivation
5. information incomplete
6. community complaints
7. evidence of potential resources

The applicant has the primary responsibility for providing verification to support statements made on the application. If the applicant cannot supply or has difficulties in obtaining the required verification, the Eligibility Worker must assist the applicant.

Some examples of verification: wage stubs, employer statements, award letters, bank statements, and collateral contacts.

When the applicant does not give consent for collateral contact, the application will be denied unless good cause is granted or another acceptable means of verification can be obtained.

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APPLICATION PROCESS (Cont.)

Some examples of good cause:

1. an employee feels they would get fired if a collateral contact was made, or
2. a foreign government refuses to verify an ex-employee's wages.

All case files must be documented to support such decisions.

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Verification Other Than at Application:

The same verification procedures that are used for initial application will be used in subsequent eligibility and benefit level decisions.

Applicant Notification

Notification of approval is in writing and contain the following:

1. dates of financial eligibility

NOTE: Applicants are notified of their Medicaid eligibility separately.

2. income used to determine eligibility and benefit level
3. regulation supporting approval
4. explanation of applicant's right to a fair hearing

Notification of denial will be in writing and contain the following:

1. statement of denial action
2. reason for denial
3. citation of policy supporting denial
4. notification of potential eligibility for medical assistance
5. explanation of applicant's right to a fair hearing

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NON-PAYMENT SITUATIONS

GENERAL RULE:

Although eligibility may exist there are some situations in which a TANF or PaS payment cannot be made.

Concurrent Assistance

- 222-1 1. **TANF or PaS:** Individuals cannot be included as members in more than one filing unit in the same month; nor can there be more than one set of caretaker relatives in the same month. This also applies to individuals moving from one state to another.

NOTE: In the event another state pays semi-monthly and the recipient received only half of the monthly benefit, that individual will be eligible for a partial monthly benefit from Maine. If the client applies in the first half of the month, the Eligibility Worker prorates from the first day of the second half of the month. If the client applies during the second half of the month, the date of application is used for proration.

NOTE: Count the TANF payment received in the previous state. Do not count other income received in the previous state because it was considered in the calculation of that state's TANF payment.

2. **SSI:** See Filing Unit, See Chapter II.
3. **Foster Care:** See Filing Unit, See Chapter II.
4. **Interstate Compact:** See Relationship and Maintenance of a Home, Chapter II

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NON-PAYMENT SITUATIONS (cont.)

Penalties for Convictions:

TANF assistance will not be provided for any individual who is:

- 1) convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under funds provided through the TANF Block Grant, Medicaid, the Food Stamp Act of 1977, or the Supplemental Security Income (SSI) program. These individuals are ineligible to receive TANF benefits for a period of ten years from the date of conviction.

NOTE: The prohibition from receipt of assistance does not apply to any months following the granting of a pardon of such a conviction by the President of the United States.

- 2) fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees (referred to as a "high misdemeanor" in New Jersey) or
- 3) violating a condition of probation or parole imposed under Federal or state law.

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666-9

REDETERMINATION PROCESS

GENERAL RULE: All cases must have eligibility for continued assistance redetermined periodically.

Redetermination of Eligibility

Redetermination requires the submission of a signed form and an interview. A face-to-face interview is required at least once a year. When a face-to-face interview is not required, a contact by phone or mail must be made. The recipient and/or representative is allowed the entire month of review to complete the process.

NOTE: At least once a year, the Department will inform recipients of the criteria that must be met to remain eligible beyond 60 months.

The recipient must be notified of the results of the review using timely and adequate notice procedures.

1. Reviews must take place at least every twelve (12) months. In some situations the Eligibility Worker may shorten the review period to coordinate it with anticipated changes in deprivation.
2. As in the application process the recipient has the primary responsibility for providing verification to support statements made on the review form or during the face-to-face or telephone interview. If the recipient cannot supply or has difficulty in obtaining the required verification, agency staff will assist them.

Quality Control Review

TANF and PaS households who refuse to cooperate in any quality control review will not be eligible for benefits until they comply.

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CHANGE PROCESS

GENERAL RULE: All individuals are required to report changes which affect eligibility. The Eligibility Workers are required to act on reported changes timely.

Timely Reporting

All changes in circumstances such as income, assets, household composition, marital status and residence must be reported within 10 days of occurrence. For income purposes "occurrence" is the date the change in income is received.

EXCEPTION: Families must report within 5 days of the date it becomes clear that a child will be out of the home for 45 days or more.

NOTE: When changes are reported timely, the month in which the change occurred will be considered a correct payment month even when ineligibility begins in that month.

Treatment of Changes

A change resulting in an increase in benefits will affect the next payment. If the increase cannot affect the next payment a corrective payment will be authorized.

NOTE: With the exception of adding individuals, changes resulting in grant increases will not receive a supplement for the month of report. (See Application Process - Chapter I). Supplements are issued for grant increases resulting from the addition of an individual to an ongoing grant. The supplement is prorated from the date that the individual entered the household or met eligibility requirements or complied with ASPIRE or DSER requirements.

A change resulting in a decrease in benefits shall affect the next payment depending on timely notice requirements.

Earned income disregards will not be allowed in determining overpayments when an individual failed, without good cause, to report timely. (Good Cause reasons are found in Chapter III, Disregards.)

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Reference

CHANGE PROCESS (Cont.)

Changes in Deprivation Factors

When a change in a deprivation factor occurs (the absent parent returns, the Principle Wage Earner obtains a job, or incapacity ends) a redetermination of eligibility must occur.

Existing information in the case file should first be reviewed to determine if eligibility can be granted. If existing information is inconclusive, the client will be notified in writing of what additional information is needed to determine eligibility and that if the additional information is not provided by a specific date (10 days), the case will be closed because of staff's inability to determine continued eligibility.

NOTE: TANF and PaS benefits will not be continued unless the recipient appeals the termination. However, if the recipient provides information after the closure which demonstrates that eligibility continued to exist, retroactive benefits must be granted for the period of time during which eligibility existed.

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FS Cross
Reference
777-5

TIMELY/ADEQUATE NOTICES

GENERAL RULE: Timely and adequate notice will be given the recipient when the action is to discontinue or reduce the payment. Adequate notice will be given when the action is to increase or continue the payment at the same level.

Timely notice must be mailed 12 days before the change is effective. (10 days for notice - 2 days for mailing)

NOTE: The Department will use the same procedure when mailing a decision or check to the designated address of a participant in the Address Confidentiality Program (ACP). The administrators of the Address Confidentiality Program will then forward the mail to the ACP participant. Therefore, the ACP participant will experience delays in receiving decisions and checks.

Adequate notice includes a statement of:

1. the action the Department intends to take
2. the reason for the action
3. the policy citation supporting the action
4. an explanation of the right to request a hearing and, if it is requested within 12 days from the date of the notice, the benefit can continue at the previous level until a decision is made after a hearing. If the Agency is upheld, the continued benefit must be repaid.

Exceptions: Timely notice is not required in the following instances:

1. The recipient or the payee dies,
2. The recipient requests in writing that the case be closed,
3. The recipient has been committed to a public non-medical institution,
4. The recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization,
5. The recipient's whereabouts are unknown and departmental mail has been returned, or
6. A child is removed from the home as a result of a judicial determination.

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TIME LIMITS

GENERAL RULE:

1. Alternative Aid is limited to once in a consecutive twelve-month period.
2. Emergency Assistance is limited to a 30 day period once a year per family.
3. PaS Assistance is subject to time limits during the first twelve months of a recipient's participation in the program and funded with the TANF Block Grant. PaS assistance is not subject to time limits when State Funded. See Introduction, page 2.
4. Federal TANF Assistance will not be given to a family that includes an adult who has received assistance for 60 or more months, whether or not consecutive, under any program funded with Federal Funds which are part of the TANF Block Grant, except that states are permitted to extend benefits funded with the Federal/TANF Block Grant beyond 60 months to up to 20% of their caseload. States may also continue benefits to families using State only funding. The Maine Legislature has elected to continue benefits under the following conditions:

Families subject to the 60 month limit in which an individual has received benefits as an adult for 60 months will continue to receive TANF assistance provided that they are complying in all respects with TANF Program rules. Those individuals who have had three or more sanctions imposed during their receipt of TANF as an adult will not have their needs included in the calculation of the benefit for the family until they have served a penalty period equal to the length of time imposed by their last sanction.

NOTE: State Law will be implemented in the following way as long as family members follow all the program rules:

- a. 60+months, under 3 sanctions, no sanction being served: If no family member is sanctioned in month 60 or after, and family members have fewer than 3 sanctions, the whole family will continue to receive TANF.
- b. 60+months, under 3 sanctions, sanction being served: If a family member is sanctioned in month 60 or after, he or she does not get TANF until their sanction is fully served. The rest of the family will receive TANF.

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- c. *60 + month, 3 or more sanctions, no sanction being served:*
If someone in the family has been sanctioned 3 or more times, that person will be removed from the TANF grant after 60 months. The 60+ month penalty period is equal to the time of their last sanction imposed. The rest of the family will get TANF. Family members must still follow program rules, even during the penalty period.
- d. *60 + month, 3 or more sanctions, currently serving sanction and complying with all TANF rules:*
If a family member is serving their third or more sanction in month 60 or after and the family is complying with all the TANF rules, the sanctioned family member does not get TANF until their sanction is fully served. The rest of the family will receive TANF.
- After the current sanction is fully served, the family member is removed to serve the 60+ month penalty period which is equal to the time of their last sanction imposed. The rest of the family will still get TANF as long as the family continues to follow all the TANF rules.
- e. *60 + months, 3 or more sanctions, with or without a sanction being served, and not complying with all TANF rules:*
If a family member has received benefits for more than 60 months and they have 3 or more sanctions and are not complying with all TANF rules and they do not have good cause (See 60+ month penalty exceptions), the entire family is closed until the family complies with the rule(s).
- f. *A family closed for 60+ month penalty and later complies:*
If a family in scenario e. is closed and all family members later comply with all the TANF rules, each family member who caused the closure serves a penalty period equal to the time of their last sanction or penalty imposed. The rest of the family receives TANF as long as all the TANF rules are followed.

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EXCEPTIONS:

A 60+ month penalty will not be imposed on families:

1. who have experienced domestic violence as defined in Chapter 1;
2. when the individual who did not comply or other family member has an illness or incapacity, or
3. when the Department determines that good cause exists.

NOTE: Supervisors must review and confirm impositions of all sanctions and penalties associated with the 60 month time limit rules. Confirmation includes:

- a. A review to determine the adult has received 60 months of Federal funded TANF benefits.
- b. An examination of the client's sanction history to confirm good cause was explored before a sanction was imposed.

NOTE: Non-compliance with rules prior to 11/1/96 do not count towards the 3-sanction count.

- c. A review of the penalty exceptions listed above.

60 Month Count:

In determining the number of months for which an individual who is a parent or pregnant has received assistance under a program funded under the TANF Block Grant, The Department will disregard any month for which assistance was provided with respect to the individual and during which the individual was:

- a. a minor child and not the head of a household or married to the head of a household, or
- b. an adult who lived in Indian country during a month when at least 50% of the adults living on the reservation were unemployed or,

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- c. a recipient of Alternative Aid and Emergency Assistance.
- d. A family who received the enhanced earned income disregards, funded with State money, (Enhanced disregards were used in determining the countable income of individuals living in Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo, and York counties who earned income from 1/1/98 through 6/30/99.)
- e. a family who received benefits based on incapacity because the second parent or caretaker relative is an SSI recipient, funded with State money.

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Additionally, individual family members, subject to this penalty must comply with all TANF regulations during the penalty period, including participation in ASPIRE-TANF unless exempt or subject to the good cause provisions of ASPIRE-TANF. Good cause for failure to participate in the ASPIREJANF program must be found when there is reasonable and verifiable evidence of:

1. Illness or incapacitation. The individual's illness, incapacity or advanced age, or the illness or incapacity of a household member, that requires the individual to provide care in the home;
2. Sexual harassment. Sexual harassment at a program-approved component;
3. Court-required appearance; incarceration. Court-required appearance or incarceration;
4. Lack of supportive services. Lack or breakdown of necessary supportive services such as child care or transportation with no appropriate alternatives available;
5. Inclement weather. Inclement weather that prevents the individual from traveling to an activity when the weather is severe enough to prevent other individuals from traveling to the same activity;
6. Assignment to another activity. Assignment by the department to an activity or component that has not been made part of the family contract.
7. Remoteness. Participation that requires the individual to travel or relocate outside the individual's immediate geographic area, defined as an area within a 2-hour round trip commute;

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8. Crisis or special circumstance. A crisis or special circumstance that causes an individual to be absent from or discontinue a department activity about which the department has been advised and has determined to constitute good cause;
9. Other good cause. Any other reason resulting in failure to participate that is beyond the control of the individual or that a reasonable person would determine to be good cause; or
10. Domestic Violence. Inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of the abuse, because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:
 - A. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or
 - B. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual.
 - C. Visual observation by TANF staff of physical injuries.

After 60 months, if an individual fails to comply with all TANF Program rules without good cause, the household will incur a penalty or become ineligible in accordance with the program rules uniformly applicable to all families receiving TANF benefits.

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At the time of application, and at least annually thereafter, the Department will notify all TANF applicants and recipients of the criteria that must be met to remain eligible beyond sixty months.

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Page 1

FS Cross
Reference

AGE

GENERAL RULE: There are no age requirements for the caretaker relative. The dependent child must be:

1. under the age of 18, or if 18 years of age, they must be a full time student in a high school (or in the equivalent level of vocational or technical training), or

NOTE: A college student may be eligible as a dependent child until their 18th birthday.

NOTE: A child is considered a full time student if enrolled in and attending a program of study or training leading to a high school diploma. Full time status is as determined by the school.

REMINDER: Medicaid coverage is determined separately.

2. if 19 to 21 years old, they must be in high school. (Or in the equivalent level of vocational or technical training).

NOTE: When the student on the TANF or PaS grant becomes 19 , they are not eligible for the Federally funded program. They must be coded S to become State funded until they graduate or become 21 years old, whichever is first.

REMINDER: Medicaid eligibility is determined separately.

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FS Cross
Reference
111-3

RESIDENCE

GENERAL RULE: All recipients must be living in Maine voluntarily with the intent to make Maine their home.

Individuals here for vacations or other temporary visits are not considered residents.

Use of designated address:

When an applicant or recipient verifies that they are a certified participant in the Address Confidentiality Program, staff will accept the designated address as a program participant's address when creating a public assistance record, unless the secretary has determined that:

1. The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the residential address; and
2. The program participant's address or mailing address will be used only for those statutory and administrative purposes.

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FS Cross
Reference
111-2

CITIZENSHIP

GENERAL RULE: All recipients must be U.S. citizens, aliens lawfully admitted for permanent residence or otherwise permanently residing in the U.S. under color of law.

NOTE: Aliens legally admitted on a temporary basis such as visitors, travelers, crewmen on shore leave, foreign students, and members of the foreign press, radio, etc. are not eligible for assistance, even if they have authorization to work.

NOTE: The Jay Treaty of 1794 recognizes the aboriginal right of Native Americans to pass the border of the U.S. and Canada. When a Native American with Canadian citizenship moves to Maine, the Department will recognize them as lawfully admitted for permanent residence.

Each member of a household applying for TANF and PaS must declare their citizenship or legal immigration status in writing. An adult household member can make this declaration for the entire assistance unit.

NOTE: States are required to report to Immigration and Naturalization Services an individual who the State knows is unlawfully in the U.S. Generally, staff will not know this. Failure to provide an identification card from INS may make a client ineligible for our programs, but it is not proof of an unlawful status.

INS has not developed official reporting procedures for this requirement. When staff learn that an individual is unlawfully in the U.S., provide the TANF Program Manager with the individual's name and address along with proof that the individual is here unlawfully.

Failure to declare citizenship or legal immigration status causes ineligibility for the individual. If it is the parent of a one parent household, the parent is ineligible and the household is paid under a child-only standard. If the parent refuses to sign for a child, the child is ineligible. The same is true for stepparents and other caretaker relatives unless they choose to be excluded. For grant calculation and special procedures see Chapter III.

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FS Cross
Reference

CITIZENSHIP (Cont.)

When a child must be sanctioned, the child's income and assets are no longer considered available to the filing unit. The child is no longer considered a family member when determining the 185% income limit.

All legally admitted aliens must provide documents to prove their status.

Questionable citizenship must be explained to the agency's satisfaction.

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FS Cross
Reference

SOCIAL SECURITY NUMBERS

111.4

GENERAL RULE: All individuals applying for or receiving TANF or PaS must furnish the agency with a Social Security Number or proof of application for a Number and furnish the Number when received.

NOTE: All Social Security Numbers must be verified either by the recipient or through the computer verification system.

When requirements for a newborn child are completed by the 1st day of the second month following the month the child's mother is discharged from the hospital, benefits can be backdated to the date of application.

Failure to Provide Proof of Application:

When an individual fails to apply for a Social Security Number or furnish the Number when received, benefits shall be withheld or terminated for the individual without a Number. That individual's income, assets, and needs, will not be included.

When the individual is a stepparent, treat as an excluded stepparent (See Chapter III).

When all of the children do not have a Social Security Number or proof of application of a Social Security Number, the household is ineligible. There are no eligible children.

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FS Cross
Reference

RELATIONSHIP AND MAINTENANCE OF A HOME

111-1

GENERAL RULE: In order to be eligible for TANF, the family must have a child living in the home. A child must be living with a caretaker relative in a home maintained by the relative. This arrangement must be expected to continue at least 30 days beyond the date of application.

ELIGIBLE RELATIVES

Caretaker relatives who may apply for and receive assistance on behalf of the child are:

1. natural father, mother, brother, sister (including those of half-blood relationship);

NOTE: A natural parent is a blood relative.

NOTE: Proof of natural parent may be:

- the name on the birth certificate,
- a notarized Acknowledgement of Paternity form,
- a Court Order finding paternity, or
- a blood or tissue test when the genetic testing indicates a 97% or greater probability that the alleged parent is a natural parent.

When there is a conflict between the legal and natural father, an acceptable resolution is a blood or tissue test. If the results of the genetic testing indicates that there is a 97% or greater probability that the presumed father is the natural father, the presumed father is considered the natural father notwithstanding any other evidence of paternity.

When paternity has not been established, an Affirmation of Paternity must be completed and signed by the child's mother unless good cause exists as described at Chapter II, Assignment of Rights to Support. Affirmation is only a claim that someone may be the child's father. It is not proof of paternity. (See Chapter II, Paternity Establishment.)

2. natural grandfather, grandmother, uncle, aunt or the same relatives of preceding generations as denoted by prefixes of great grand and great great, or first cousin, first cousin once removed, nephew or niece (see chart in Appendix);

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FS Cross
Reference

RELATIONSHIP AND MAINTENANCE OF A HOME (con't)

NOTE: A first cousin once removed is a child of one's first cousin.

3. adoptive father, mother, brother or sister;
4. adoptive grandfather, grandmother, uncle or aunt for an adopted parent's child;
5. stepmother, stepfather, stepbrother or stepsister;
6. the spouses of any persons in the above groups, even though the marriage is terminated by death or divorce.

Exceptions to THE GENERAL RULE: Under some circumstances, a family can receive TANF benefits even if the child is not currently in the home.

1. **TEMPORARY ABSENCES**

A child and caretaker relative may be physically separated and still remain eligible for benefits provided the caretaker relative has full responsibility for the supervision and guidance of the child, offers the child a home during vacation and any delegation of authority is temporary, voluntary and revocable. The child or caretaker relative must return home at the completion of the reason for separation unless there is good cause for the person to be out of the home.

The following are some examples of situations when the child or caretaker relative may be absent for more than 45 days.

- a. to secure education when high school facilities are not maintained in their area of residence or when existing facilities do not meet their educational and/or social needs.
- b. to secure therapy in a private treatment center such as Sweetser Home because of physical/emotional problems;
- c. to attend Governor Baxter State School for the Deaf provided there are no services available in the child's own community;
- d. to attend a vocational, technical school, college, or university until their 18th birthday;

NOTE: The age limitation applies to the child.

- e. to obtain care for a terminal illness which will probably stop eventual return to the home, although if possible the individual would do so;
- f. to voluntarily place a child in an approved foster home when the plan is to return the child and when there is no foster care payment being made for that child;

NOTE: Children or caretaker relatives in public institutions are not eligible for a TANF grant.

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FS Cross
Reference

RELATIONSHIP AND MAINTENANCE OF A HOME (cont.)

NOTE: Within 5 days of the date that it becomes clear to a parent or other caretaker relative that a minor will be absent from the home for 45 days or longer, the parent or other caretaker relative must notify the Department of the absence of the minor child from the home. Failure to notify the Department within the specified time frame will result in the removal of the parent or caretaker relative from the grant.

2. A CHANGE IN LEGAL CUSTODY

If a child is placed in the custody of the Department of Health and Human Services by a Court order, the family who previously received TANF may be eligible to re-qualify for a TANF grant if the following conditions are all met:

- a. When the child is removed from the home and the parent is actively engaged and is in compliance with a reunification plan with staff from the Department's Office of Child and Family Services, the parent must appear at the Department's OIAS office with the OCFS caseworker and a copy of the reunification plan.
- b. The OIAS staff will assist in the completion of a TANF application to determine if the parent again meets the other eligibility requirements and
- c. The parent is engaged in and is in compliance with an ASPIRE employment plan leading the family to self-support.
- d. The parent must adhere to the ASPIRE plan and the rules of that program (10-144 CMR chapter 607)

So long as the above conditions are met, the parent will be eligible for a TANF adult-only grant as soon as the ASPIRE plan is developed. If the child is returned to the home of the parent on a trial placement basis, the parent will then be eligible for a family grant as long as the family complies with the reunification and employment plans.

The TANF grant will be discontinued if any of the following circumstances occur:

- a. The parent ceases to adhere to the ASPIRE or Reunification plan and rules, OR
- b. the Court has issued an order which relieves DHHS/OCFS from further reunification responsibilities towards the family, OR
- c. the Court has issued an order terminating parental rights of the parent to the child.

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FS Cross
Reference

RELATIONSHIP AND MAINTENANCE OF A HOME (cont.)

Relatives are considered to be maintaining a home if the children they are applying for are living with them regardless of court actions about legal custody except that when an out-of-state agency places children with relatives in Maine under the Interstate Compact on Placement of Children, that agency will continue to be completely responsible for the children during the placement period. These children are therefore not eligible for TANF or PaS in Maine.

FS Cross
Reference
None

DEPRIVATION

GENERAL RULE: To be eligible for TANF or PaS a child must be expected to be deprived of the care and support of a natural or adoptive parent for at least 30 days beyond the date of application.

Reasons for Deprivation:

1. Death
2. Continued absence from the home

The continued absence must interrupt the parent's functioning as a provider of maintenance, physical care and guidance for the child.

NOTE: Deprivation exists when paternity has not yet been established.

NOTE Deprivation does not exist when absence is due to employment or collusion of the parents with no intent to disrupt the parental role.

Special Provision: Continued absence exists when a parent is under sentence of a court and living at home provided:

- a. the sentence requires the parent to perform public work or community service during work hours,
- b. the individual is permitted to serve sentence at home.

Under this provision the income, assets and needs of the sentenced parent will not be included. DSER referral will be made as in any other case of continued absence.

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FS Cross
Reference

DEPRIVATION (con't.)

Joint Custody

This involves a child who is in the physical custody of and lives in the home of each parent for portions of each month. In such cases, the Worker has to determine whether or not each parent is providing maintenance, physical care, and guidance for the child. When they are, deprivation based on continued absence does not exist. It is not a determination of the percentage of time the child spends in each home as much as it is a determination of each parent's responsibility for the maintenance, care, and guidance of the child.

NOTE: A court order awarding joint custody is not sufficient to determine that there is no deprivation based on continued absence. Each case must be explored to determine the extent of care and support that each parent provides.

NOTE: Should one parent of a joint custody arrangement become disabled to the extent that their ability to support or care for the child is reduced substantially or eliminated, deprivation may exist.

NOTE: When Unemployed Parent is the reason for deprivation, both parents must live in the home with the child.

3. Physical or mental incapacity

Medical and social information must show that incapacity substantially reduces or eliminates the ability of a parent to support or care for a child. Receipt of SSI, Social Security Disability, Railroad Retirement Disability, or Medicaid based on a Medical Review Team decision is proof of incapacity.

NOTE: Social information must include age, education and work history.

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Presumptive Eligibility

Presumptive eligibility is a decision that the family meets the qualifications for TANF – incapacity for less than twelve (12) months.

Eligibility Staff will ask applicants and recipients to get a statement from an acceptable medical source (See page 11.) which provides a diagnosis and prognosis, including the length of time the individual cannot perform parental duties or be involved in work activities.

The Eligibility Staff will provide the medical statement to their Supervisor immediately so it can be used as a basis for determining TANF Presumptive eligibility. The determination will be valid for the length of time indicated in the original medical statement, or the medical review date, or the time that the medical source indicates that the incapacity no longer exists, whichever comes first.

The medical statement eliminates the need for the Disability Application for TANF unless medical information indicates incapacity may exceed eleven (11) months.

In situations involving disabling conditions for 12 or more months, Presumptive Eligibility will not be determined. The Disability Application will be taken and sent to the Medical Review Team (MRT) Staff to determine eligibility based on physical or mental incapacity using policy on the following pages.

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Reference

DEPRIVATION (cont.)

When Disability Workers are determining an individual's incapacity based on a diagnosis of alcoholism or drug abuse, they must also consider the doctor's prognosis. The prognosis must explain how the individual's current condition substantially reduces or eliminates the parental role and must predict how long the condition is expected to last.

NOTE: Even though an individual may enter a treatment facility for less than 30 days, the physician's prognosis may indicate the dysfunction continues beyond the treatment program.

NOTE: Although alcoholism and drug abuse are recognized illnesses, when the illnesses are under control, they do not always interfere with the individual's ability to support or care for the otherwise eligible child.

Acceptable Medical Sources:

- a. Licensed physicians (including physician's assistants and nurse practitioners with the co-signature of a physician, and advanced practice registered nurses with proof that a licensed physician delegated authority to perform the medical diagnosis.)
- b. Licensed osteopaths,
- c. Licensed and certified psychologists,
- d. Licensed optometrist for the measurement of visual acuity and visual fields,
- e. Persons authorized to provide copies or summaries of medical records of medical institutions.

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Reference

DEPRIVATION (cont.)

NOTE: Information from other sources may be used to help understand how the impairment effects the ability of the individual to work. This includes:

- Public and private social welfare agencies
- Observations from non-medical sources
- Other practitioners such as chiropractor, audiologists, naturopaths

None

Determination of ability to support:

Medical and social information must show that the incapacity prevents the individual from working within their capabilities 20 hours or more per week. The job opportunity must be present in the immediate area. The following work activities are not considered as evidence of employability and will not be counted in the 20 hour per week determination:

- a. those offered out of sympathy,
- b. those made possible by an abnormal amount of supervision,
- c. those prescribed as part of an occupational therapy or vocational rehabilitation plan,
- d. those considered as a hobby.

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Reference

DEPRIVATION (cont.)

Determination of ability to care:

Medical and social information must show that the incapacity prevents the individual from performing two or more of the following tasks without considerable help:

- a. shopping for food and supplies,
- b. preparing meals and washing dishes,
- c. doing laundry and managing the household,
- d. supervising the children.

NOTE: This information must include the source and the amount of help needed in providing the above tasks.

Other factors to be considered:

Incapacity must be reviewed as indicated by medical records. If a displayed activity is contradictory to the medical evidence, consultation with the physician and the individual will be necessary.

The disabled individual is required to accept medical or rehabilitative treatment recommended by the physician provided:

None

- a. the treatment is available in the individual's geographic area and covered by Medicaid; or
- b. the service is available through the Bureau of Rehabilitation; or
- c. the treatment is not against the individual's religious beliefs; or
- d. the individual does not have reasonable fears of the results of the treatment.

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Reference

DEPRIVATION (cont.)

When the individual is engaged in a program through the Bureau of Rehabilitation with a completed plan directed at specific goals, deprivation will exist until the goals are met or for 12 months after disability no longer exists, whichever comes first. There is no extended eligibility when an individual is known to the Bureau of Rehabilitation with no completed plan.

In order to extend eligibility, the plan must be coded as one of the following:

- Status - 12 Vocational Rehabilitation Plan completed;
- Status - 14 Counseling and Guidance;
- Status - 16 Physical or mental restoration;
- Status - 10 Only under the condition that a plan with established goals is completed in this category.

Plans, changes in plans, and progress reports will be made available to the Bureau of Family Independence.

4. Unemployment of Parent

When there is no other basis for deprivation and both natural or adoptive parents are present in the home in which the child is living, the designated unemployed parent (UP) must meet the required eligibility factors.

Principal Wage Earner

The UP must qualify as the principal wage earner (PWE). The PWE is the parent who has earned the most money in the 24 month period immediately preceding the month of application. Designation of the PWE is based on the best evidence of earnings available for both parents, regardless of when their relationship began. If the parents have equal earnings, the Eligibility Worker will designate the PWE. The designated PWE remains unchanged as long as the eligibility continues.

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Eligibility Requirements (non-Financial)

FS Cross
Reference
None

DEPRIVATION (cont.)

Unemployment

The PWE must have worked less than 100 hours within the 30 day period prior to the date of application or eligibility, whichever comes later; and must expect to work less than 130 hours in the next 30 days and subsequent 30 day periods. This includes self-employed individuals.

NOTE: The 100 and 130 hour standard may have been exceeded in the 30 day prior period if caused by a temporary situation and evidence shows that the PWE has been regularly employed less than the 100 or 130 hour standard as appropriate.

Occasional lost time due to weather conditions does not lessen the hours count if the PWE otherwise would have been at work.

NOTE: Registrants in OJT placements are considered employed and are subject to the same 100 and 130 hour standards.

SPECIFIC FACTORS TO BE MET FOR TANF/UP

The PWE must:

- a. have had 6 or more quarters of work in any 13 calendar quarter period ending within one year prior to application for assistance.
- or
- b. have received or been qualified to receive unemployment benefits within one year prior to application for assistance.

NOTE: The following qualifies as a quarter of work:

- 1. \$50.00 or more of earnings in any calendar quarter ending March 31, June 30, September 30, or December 31,

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FS Cross
Reference

DEPRIVATION (cont.)

2. participation in the ASPIRE-TANF program;
3. any quarter credited as a quarter of coverage under the Social Security Program.

None

- c. apply for and accept unemployment benefits (UIB) if eligible.

NOTE: Application for UIB must be reviewed at least every six months.

NOTE: UIB of the PWE is subtracted from the Standard of Need as any other unearned income would be subtracted.

- d. be participating in the ASPIRE-TANF program unless otherwise exempt.

- e. not have quit employment or refused an offer of employment or training within the 30 days prior to application, without good cause.

NOTE: Once the individual is receiving TANF or PaS and is a mandatory ASPIRE-TANF participant, the ASPIRE-TANF rules are enforced.

When the worker determines that the PWE quit employment or refused an offer, the PWE shall be given an opportunity to claim good cause.

Examples of Good Cause are:

1. wages are less than the minimum wage or not customary for the work performed;

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FS Cross
Reference

DEPRIVATION (cont.)

2. physical inability to perform the work, lack of transportation to the job or training site, unreasonable working conditions, or lack of Worker's Compensation protection;

NOTE: Participation in a strike does not constitute good cause.

When an employment offer is made through the ASPIRE-TANF Program, that Program will determine if the offer was bona fide or the refusal was for good cause.

NOTE: The PWE is ineligible if factors in c., d and e. are not met on a continuous basis. The second adult is also ineligible unless participating in ASPIRE-TANF or meeting an exemption criteria. (See ASPIRE-TANF exemptions in Chapter II.)

None

5. Pregnancy :

A pregnant individual who has no other eligible children receiving TANF or PaS in her household is potentially eligible for an adult payment starting with the sixth month of pregnancy.

NOTE: If the expected date of delivery is December, payment can begin September 1.

The pregnancy must be verified by a medical statement with the expected date of birth.

NOTE: A late birth will not create an overpayment.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

DEPRIVATION (cont.)

Eligible Individuals:

1. A pregnant adult who has no other eligible children in her household.
2. A pregnant minor who has no other eligible children in the household.

NOTE: She may be living with siblings.

When the siblings are not receiving TANF and PaS or not otherwise eligible (haven't applied for TANF), the pregnant minor can receive an adult grant of her own.

When the siblings are on TANF and PaS or are otherwise eligible (pending application which meets all non-financial eligibility criteria), the pregnant minor would be drawn into the sibling's TANF and PaS grant by the filing unit rule.

Eligibility begins when all eligibility factors are met for all individuals in the household who would be included in the assistance unit once the child is born.

NOTE: When the pregnant woman is married to and living with the father of the unborn child, deprivation of disability or unemployment must exist in order for her to be eligible.

NOTE: When the pregnant woman is living with her boyfriend, the boyfriend is not recognized as the father of the unborn child until paternity is established.

As a condition of eligibility the applicant must assign any rights of support to the Department, and all provisions and sanctions relative to the Assignment of Rights of Support apply.

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FS Cross
Reference

DEPRIVATION (cont.)

Countable Income:

1. The income of a pregnant adult or minor is counted.
2. The pregnant minor's parent's income is deemed to her using the same budget as used for excluded stepparent. (See Chapter III, Stepparent Income)
3. The spouse's income is deemed to the pregnant individual also using the excluded stepparent budget.

Eligibility ends under the Pregnancy Program with the birth of the child. The Worker shall then determine eligibility based on the newborn's deprivation.

6. Minor Parents: A minor parent is an individual under 18 years old who has a child living in the same household or a minor who is eligible for assistance paid under the State's pregnancy program.

When a minor parent is caring for (parenting) her child she must apply for TANF or PaS as a caretaker relative.

NOTE: When the minor parent is deprived and lives with siblings who are receiving or otherwise eligible to receive TANF or PaS, she must be included in the assistance unit with the siblings but her income is treated as an adult's.

When a minor parent is not caring for (parenting) her child, her parent(s) or caretaker relative(s) must apply for her and her child.

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FS Cross
Reference

DEPRIVATION (cont.)

NOTE: In this instance the minor parent is considered a dependent child and her income is treated as such.

As a condition of eligibility the unmarried minor parent or pregnant minor must be living with her parent, legal guardian or other adult relative of that minor parent or in an adult-supervised supportive living arrangement unless one of the following good cause reasons exists.

1. The individual has no living parent;
2. Neither of the parent's whereabouts is known;
3. No parent will permit the individual to live with them;
4. The Department has determined that the physical or emotional health or safety of the minor parent or her child would be jeopardized if they live with the parent(s);
5. The minor parent has lived apart from her parent(s) for at least a year prior to the child's birth;
6. The minor parent has another good cause for not residing with either parent. This exception must be approved by the TANF or PaS Supervisor or Program Manager.

NOTE; An adult relative is a specified relative who is at least 18 years old.

NOTE; An adult-supervised supportive living arrangement is a certified or state-approved setting (other than a public institution) in which a minor receives counseling, supervision, guidance or other support services in addition to food and shelter.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

DEPRIVATION (cont.)

The Department will assist the minor in obtaining material necessary to demonstrate good cause. The same evidence used as good cause criteria for non-cooperation with the DSER can be used. A minor's affidavit is acceptable evidence on good cause claims of child abuse.

NOTE: Legal emancipation is not a reason in and of itself for good cause for not living with her parents. However, the reason for the court's decision may be good cause and must be explored.

Minor Parent or Pregnant Minor's Income: When the minor's parent(s) are included, all their income is counted. When the minor's parent(s) are excluded, their income is partially counted. Use the formula explained for stepparent deeming at Chapter III, to deem income from the excluded parent(s).

NOTE: An excluded stepparent's income is not deemed to the minor parent or pregnant minor. However, when the minor parent is included in the grant, there is spousal deeming from the nonessential stepparent to the minor parent's parent. Use the stepparent deeming formula at Chapter III,

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FS Cross
Reference
111-1

FILING UNIT

GENERAL RULE: The parent(s), siblings and half siblings of dependent children living in the same home and otherwise eligible, must be included as members of the filing unit. A caretaker relative other than a parent may choose to be included.

NOTE: Otherwise eligible - an individual who meets all non-financial eligibility requirements such as deprivation, age, Social Security Number, citizenship, etc.

When an individual is required to be in more than one unit, the units must be consolidated.

Benefits cannot be received for an individual in more than one filing unit for the same period.

NOTE: When a child who has previously received benefits changes households, the new caretaker relative cannot receive benefits while the child remains eligible in the previous household.

Stepbrothers and stepsisters are required to be included when there is a mutual child in the home and either parent qualifies as unemployed or disabled.

NOTE: Individuals who are required to be included and who fail to provide information necessary to determine eligibility make the entire unit ineligible.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

FILING UNIT (cont.)

Voluntary/Mandatory Exclusion:

1. Supplemental Security Income (SSI), Foster Care, or Adoption Assistance: An individual eligible for SSI, Foster Care or Adoption Assistance benefits may choose to receive SSI or Foster Care or Adoption Assistance benefits or TANF or PaS, but cannot receive both SSI and TANF or PaS or foster care, or Adoption Assistance benefits and TANF or PaS. When an individual chooses to receive SSI or Foster Care or Adoption Assistance benefits, their needs, income and assets will not be considered when determining eligibility for the remaining filing unit members.

If a child chooses to receive SSI or foster care or Adoption Assistance benefits, the otherwise eligible caretaker relative may receive TANF or PaS. In this instance other eligible children in the home need not be included.

NOTE: An SSI eligible individual with a 1619(b)(1) status is considered an SSI recipient even when they do not receive an SSI payment.

2. Foster Care or Adoption Assistance: When the caretaker relative or the child(ren's) needs are being met by a Foster Care payment whether from federal, state or local funds, their needs shall not be included in the assistance unit. Neither the caretaker or child(ren) is considered a family member in determining the 185% income limit.

NOTE: A child whose minor parent is maintained by a foster care payment is not eligible for TANF or PaS if both are residing in a licensed facility. In those instances the foster care program must provide for the child as well as the minor parent.

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Eligibility Requirements (non-Financial)

FS Cross FILING UNIT (cont.)
Reference

3. Caretaker Relatives: Caretaker relatives other than parents and their spouse may choose whether to be included or excluded.

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

FS Cross
Reference

FILING UNIT (cont.)

When caretaker relatives and their spouses are included, their income and assets are considered as if they were parents.

Reminder : Included individuals are subject to ASPIRE-TANF work requirements, unless otherwise exempt.

When caretaker relatives other than parents are both excluded, their income and assets are not considered.

When the spouse is excluded and the caretaker relative is included, the assets of the spouse are not considered; however, income is counted as described for stepparents in Chapter III.

When caretaker relatives are excluded but claim the children as dependents for income tax purposes, they are acknowledging that they meet at least half of the child's needs. Therefore, the benefit level will be determined using half of the appropriate full need standard for the child as countable unearned income (see chart for no adult included).

4. Stepparents: Stepparents may choose to be included or excluded unless applying for their own children or a mutual child living in their home draws them in to the filing unit per the general filing unit rule.

When applying for their own children, or when drawn into a filing unit by a mutual child the stepparent must be included.

When a stepparent is included, income and assets are counted as for any other filing unit member. When excluded, assets are not considered; however, income is counted as described in Chapter III.

Reminder: Included individuals are subject to ASPIRE-TANF work requirements.

When a stepparent chooses to be excluded, no allocation can be made from the spouse for their needs.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

FILING UNIT (cont.)

5. Stepbrothers/Stepsisters: Stepbrothers or stepsisters may choose whether to be included in the filing unit when there is no mutual child who is deprived.

When included, their income and assets are counted as for other children in the filing unit.

When excluded, their income and assets shall be considered for their own needs.

6. Minor Parents: A minor parent is an individual who is under the age of 18, and has a dependent child.

When the minor parent is deprived, their parent(s) must be included when they are functioning as the caretaker relatives of the minor parent and child.

When included, income and assets are considered as for any other included parents.

When excluded, assets are not considered; however, income including lump sum income is counted as described for excluded stepparents in Chapter III .

NOTE: Any legal guardian who is not a specified relative shall not be included. The legal guardian's contributions are counted as any other unearned income.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

FILING UNIT (cont.)

7. Strikers: Individuals participating in a strike on the last day of the month are not eligible

NOTE: Participation in a strike includes individuals who are absent from work during the strike period without good cause.

An individual may be absent for good cause provided the reason for absence is vacation, illness or emergency which began prior to the strike and continued into the strike period as long as the intent is to return to work whether or not the strike continues. Good cause may also exist if they can demonstrate that return to work would jeopardize their health and safety.

NOTE: An ASPIRE-TANF exemption does not negate the fact that an individual is a striker.

When a parent is participating in a strike the entire assistance unit is ineligible.

When an included stepparent is participating in a strike, their needs are removed from the assistance unit. Their assets are not considered. Their income is considered as described in Chapter III.

When an included caretaker other than parents or stepparents is participating in a strike, their needs are removed and their income and assets are not considered.

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

FS Cross
Reference

COOPERATION IN ESTABLISHING PATERNITY AND OBTAINING
CHILD SUPPORT

555-3
555-4

GENERAL RULE: Each applicant or recipient must cooperate with the Department in establishing paternity and must assign to the Department all rights of support on behalf of filing unit members from any legally responsible relative who is absent from the home. This includes any support accrued at the time of the assignment.

As a condition of eligibility, the caretaker relative must forward to the Department any alimony or child support payments received from the non-custodial parent beginning with the effective date of assignment. These payments will not be budgeted.

No assistance will be provided to families who do not assign their rights to support.

NOTE: A separate referral to the Division of Support Enforcement and Recovery (DSER) shall be made on each non-custodial parent.

NOTE: The effective date of assignment is indicated by the Worker on the Notice of Eligibility. The effective date is the first day of the first regular TANF check. Child support minus the first \$50 is budgeted in the retro, when its receipt is anticipated.

The Eligibility Worker must explain to the individual the obligation to assign support and to cooperate with the Department.

Cooperation:

Furthermore, the caretaker relative must cooperate in the following areas:

1. identifying and locating the non-custodial parent
2. establishing paternity

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Eligibility Requirements (non-Financial)

FS Cross

ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

NOTE: When paternity has not been established, an Affirmation of Paternity must be completed and signed by the child's mother unless good cause exists as described later in this chapter. This document is not proof of paternity. It is merely a claim that someone may be the child's father. The Affirmation which is forwarded to DSER begins the process for determining who is the natural parent.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

NOTE: The child's eligibility will not change until the affirmation leads to an actual establishment of paternity.

3. obtaining support payments
4. obtaining any other payments.

Sanctions:

If the caretaker relative refuses to cooperate in identifying and locating the non-custodial parent(s) or in the establishment of paternity, without good cause the grant will be reduced by the needs of the individual or 25% of the grant amount, whichever is greater.

Eligibility will then be determined for the remaining filing unit members. In addition, the TANF and PaS payment will be made to a third party. If the Worker is unable to locate an appropriate person to act as payee the TANF and PaS payment will continue in the sanctioned caretaker's name.

The assets of the sanctioned parent will still be considered as well as their income minus the following disregards:

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FS Cross
Reference

ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

1. an amount equal to the standard of need for the support of any non-categorically eligible individuals living in the same household and claimed by the sanctioned parent as dependents for IRS purposes;
2. any actual payments of alimony or child support to persons not living in the home;
3. any actual payments being paid by the sanctioned parent to individuals not living in the home, but who are claimed or could be claimed by the sanctioned parent as dependents for IRS purposes.

Good Cause

GENERAL RULE: The caretaker relative shall be given the opportunity to claim good cause for refusing to cooperate. This does not include failure to forward support payments.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

NOTE: Sanctions will not be applied nor benefits withheld while a good cause decision is pending.

Responsibilities of the Eligibility Worker

The worker will inform the applicant/recipient:

1. at the initial interview, of the right to claim good cause at any time;
2. that they must provide evidence of good cause, with assistance from the Worker if necessary;
3. that the decision will be based on evidence supplied and investigation of that evidence;

NOTE: This determination will be made within 45 days from the day the good cause claim was made, except where the case record documents that the Agency needs additional time.

NOTE: Good cause must be reviewed at each redetermination of eligibility.

4. that the findings may be reviewed by DSER and any recommendations considered in the final decision made by the Eligibility Worker. DSER shall be notified and given an opportunity to participate in any hearing;
5. that in case of non-cooperation, DSER may attempt to establish paternity and collect support when it can be done without risk to the family. In this situation the individual shall be given the opportunity to withdraw from the program.

Conditions for Good Cause

1. The child was conceived as a result of incest or rape.
2. Legal proceedings for adoption of the child are pending before a court.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

3. The individual is being assisted by a licensed social service agency to decide whether to place the child for adoption and discussions have not gone on for more than 3 months.
4. The individual or the child is a victim of domestic violence, which includes physical injuries or the psychological effects of abuse, or cooperation could result in physical or emotional harm to the child or other family member.

Evidence to Support Claim of Good Cause

Determination of good cause without further investigation is limited to the following specified documents:

1. Birth certificates, medical or law enforcement records which indicate the child was conceived as a result of incest or forcible rape.
2. Court documents or other records which indicate that legal proceedings for adoption are pending before a court.
3. A written statement from a licensed social service agency showing that the applicant or recipient is being assisted in deciding whether to place the child for adoption.
4. Court, medical, law enforcement, child protective, social services including domestic violence shelter, psychological, and other records which indicate that a putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative.
5. Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

The agency will assist the applicant or recipient in obtaining the required evidence. No contact will be made with the absent parent or putative father until a good cause determination is made.

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555-4

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO SUPPORT (cont.)

The determination of good cause will be made only if the evidence provided by the applicant/recipient and/or the investigation of the agency confirms that to cooperate will be against the best interest of the child or other family member.

The final determination that a claim of good cause is or is not valid will:

1. be in writing,
2. contain the agency's findings and basis of determination,
3. be entered into the TANF or PaS record, and
4. be made within 45 days unless case record documentation indicates that the agency needs additional time because information required to verify the claim cannot be obtained within the time standard or the claimant did not provide corroborative evidence within 20 days from the day in which the claim was made.

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS

GENERAL RULE: Each applicant or recipient who is applying for Medicaid coverage must assign to the Department all rights of payment for medical care from any third party. Although determination of Medicaid eligibility is a separate process, a recipient of TANF usually is eligible for Medicaid and should be aware of the TPL requirements.

As a condition of eligibility for medical coverage the caretaker relative must cooperate with Third Party Liability (TPL) in obtaining medical payments. This could include appearing as a witness at a judicial or other hearing.

NOTE: This condition does not effect TANF or PaS money payments.

Cooperation in Obtaining Medical Payments

The caretaker relative must cooperate in the following:

1. report court ordered responsibility of an absent parent to pay medical bills;
2. report medical insurance coverage and any changes in that coverage;
3. report receipt of or potential receipt of Workers' Compensation;
4. report pending lawsuits involving personal injury;
5. relinquish medical payments received directly from a third party to cover services which were paid by Medicaid.

Sanctions

If the caretaker relative refuses to assign rights to medical payments or to cooperate without good cause, eligibility for Medicaid does not exist. However, the caretaker relative will be eligible to receive a TANF or PaS payment. Eligibility for Medicaid for the remaining filing unit members not be withheld.

DEPARTMENT OF HUMAN SERVICES
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Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS (cont.)

Good Cause

GENERAL RULE: The caretaker relative must be given the opportunity to claim good cause for refusing to assign rights to medical payments and for refusing to cooperate.

NOTE: Sanctions will not be applied while a good cause decision is pending.

Responsibility of the Eligibility Worker

The Worker shall inform the applicant/recipient:

1. that they have the right to claim good cause;
2. that they must provide evidence of good cause, with assistance from the worker if necessary;
3. that the decision will be based on evidence supplied and investigation of that evidence;
4. that the findings may be reviewed by DSER and any recommendations considered in the final decision which will be made by the Eligibility Worker;
5. that in case of non-cooperation, DSER may attempt to establish paternity and collect medical support when it can be done without risk to the family. In this situation the individual must be given the opportunity to withdraw from the program.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS (cont.)

Conditions for Good Cause

1. The child was conceived as a result of incest or rape.
2. The legal proceedings for adoption of the child are pending before a court.
3. The individual is being assisted by a licensed social service agency to decide whether to place the child for adoption and discussions have not gone on for more than 3 months.
4. Cooperation could result in physical or emotional harm to the child or other family members.

Evidence to Support Claim of Good Cause

Determination of good cause without further investigation is limited to the following specified items:

1. birth certificates, medical or law enforcement records which indicate the child was conceived as a result of incest or rape;
2. court documents or other records which indicate that legal proceedings for adoption are pending before a court;
3. a written statement from a licensed social service agency showing that the applicant or recipient is being assisted in deciding whether to place the child for adoption;

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

FS Cross
Reference

ASSIGNMENT OF RIGHTS TO MEDICAL PAYMENTS (cont.)

4. court, medical, law enforcement, child protective, social services and/or psychological records which indicate that a putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative;
5. sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

The agency must assist the applicant or recipient in obtaining the required evidence. No contact will be made with the absent parent or other collateral sources to establish good cause without the client's prior knowledge and consent.

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

FS Cross
Reference
111-5

ASPIRE-TANF

GENERAL RULE: As a condition of eligibility each applicant/recipient who is not exempt must participate in the ASPIRE-TANF Program.

NOTE: The Worker will advise all individuals who are exempt that they have the right to participate on a voluntary basis.

EXEMPTIONS:

1. A recipient who is the only custodial parent or a caretaker relative of a child under one year of age and is personally providing care for that child. This exemption is limited to no more than a total of twelve (12) months per custodial parent or caretaker relative (When a recipient does not elect this exemption, they are mandatory participants in the ASPIRE-TANF Program and subject to work requirements and sanctions. If sanctioned, they can temporarily suspend their sanction by becoming exempt immediately. When the exemption of up to twelve (12) months expires, the sanction will resume until the appropriate requirements for compliance are met.)

Exception: A parent or caretaker relative under twenty (20) years of age who is a recipient of TANF and has not completed high school or its equivalent must participate in the ASPIRE-TANF program regardless of the age of the youngest child and attend courses to complete high school, with an emphasis on education in a traditional high school setting.

2. A recipient who is a child in the assistance unit;
3. A recipient who is a VISTA volunteer under the federal Domestic Volunteer Service Act of 1973; and
4. A parent or caretaker relative is needed in the home to care for a disabled family member living in the household and the disabled family member is not a full-time student. The need for the TANF or PaS recipient to care for the disabled family member must be verified at least annually through statements by a medical or mental health professional.

444-4

Sanctions: The needs of mandatory individuals who refuse or fail to comply, with the regulations of the ASPIRE-TANF Program, without good cause, will not be included in determining eligibility and payment. If the individual is the caretaker relative, the TANF or PaS payment will be made to a third party. If the worker is unable to locate an appropriate person to act as payee, the TANF or PaS payment will continue in the sanctioned caretaker's name.

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Eligibility Requirements (non-Financial)

FS Cross
Reference

ASPIRE-TANF (cont.)

Both parents are non-exempt:

Each parent has a separate duty and obligation to comply with ASPIRE-TANF, and each can be separately sanctioned for failure to comply when called upon to participate.

NOTE: The second adult is not sanctioned when they meet an exemption criteria.

The income and assets of sanctioned individuals who are not parents or stepparents will be excluded in determining payment.

The assets of sanctioned stepparents are not considered. Their income is counted as described in Chapter III.

The income and assets of sanctioned parents must be considered. The following disregards will be applied to the income:

1. an amount equal to the standard of need for the support of any non-categorically eligible individuals living in the same household and claimed by the sanctioned parent as dependents for IRS purposes;

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Eligibility Requirements (non-Financial)

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Reference

ASPIRE-TANF (cont.)

2. any actual payments of alimony or child support to persons not living in the home;
3. any actual payments being paid by the sanctioned parent to individuals not living in the home, but who are claimed or could be claimed as dependents for IRS purposes.

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Failure to Participate/Sanctions

When the mandatory individual has failed without good cause to participate in or comply with the regulations of the ASPIRE-TANF Program, accept employment, terminated employment or reduced earnings, remove the individual who did not comply from the grant for the following periods:

1. for the first failure to comply, until the failure to comply ceases;
2. for the second failure to comply, until the failure to comply ceases or three (3) months, whichever is longer;
3. for any subsequent failure to comply, until the failure to comply ceases, or six (6) months whichever is longer

EXCEPTION: When a sanctioned individual engages in paid employment of, at least, 30 or more hours and at no less than minimum wage, the sanction will cease even when the three (3) months or six (6) months has not been served fully. If a client later becomes unemployed without good cause, they incur the subsequent sanction.

NOTE: The beginning date of a sanction is the date that the Department issues the notice of adverse action. Benefits do not have to be interrupted for a sanction to become effective.

NOTE: Compliance with ASPIRE must be verified before the sanction is ended.

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Eligibility Requirements (non-Financial)

ASPIRE-TANF (cont.)

Good Cause

A participant will not be sanctioned if good cause exists for the sanctionable act. It is the responsibility of the participant to demonstrate to ASPIRE-TANF that good cause exists. ASPIRE will decide whether good cause exists based on information provided by the participant and through corroborative sources, if necessary.

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (non-Financial)

FS Cross
Reference
None

ASPIRE-TANF (cont.)

VOLUNTARY PARTICIPANT:

When an exempt individual wants to volunteer for the ASPIRE-TANF Program, the same procedures will be followed, with the exception of non-participation actions. No sanctions will be applied to these individuals.

MUTUAL REPORTING RESPONSIBILITIES:

ASPIRE-TANF will notify Eligibility staff whenever a registrant obtains employment or enters a salaried ASPIRE-TANF component. Upon receipt, the Eligibility Worker will redetermine eligibility based upon the change in circumstances.

REVIEW OF EXEMPTIONS:

Individuals with exempt status will have their exemption reviewed as a part of the regular eligibility redetermination. In addition a change to non-exempt status must be acted upon promptly when information indicates the necessity for a change.

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)

FS Cross
Reference
333-1

ASSETS

GENERAL RULE: Consider the assets of all members of the filing unit, sanctioned parent, and individual sponsors of legal aliens. Determine which assets are available and their equity value.

NOTE: Money considered as income cannot be counted as an asset unless retained beyond the month of receipt with the exception of lump sum. (Chapter III)

Maximum Countable Assets: \$2000 for each filing unit.

DEFINITIONS:

Assets: Equity in real and personal property.

Available: Any asset which can be liquidated and used by the filing unit.

Unavailable: Any asset whose value is unobtainable by the filing unit.

Potential: Any asset which is obtainable by the filing unit but not readily available.

NOTE: To begin or continue eligibility the filing unit must show that steps are being taken to obtain the asset.

Ownership: Power, authority, etc. to sell, exchange, convert, or redeem the property in question.

Equity: The money value of property minus any encumbrances against it.

Encumbrances: Obligations which must be met before the sale of property can be accomplished.

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)

FS Cross
Reference

ASSETS (cont.)

Fair Market Value: The price at which any non-liquid asset will sell in the locality.

Some Basic Examples of Assets:

1. bank accounts including: checking, savings, Certificates of Deposit, Individual Retirement Accounts;
2. stocks and bonds;
3. promissory notes, mortgages;
4. IRS Tax Refunds;
5. lump sum income representing a change from non-liquid to liquid asset;
6. real property;
7. vehicles, including recreational vehicles.

333-1

333-2

Excluded Assets:

1. Assets with cash value not available to the filing unit, such as:
 - a. property owned jointly by the client that cannot be subdivided and which the joint-owner(s) will not agree to sell;

EXCEPTION: When a vehicle is jointly owned by a TANF or PaS recipient and an SSI recipient, its equity value is prorated between the owners (equity value number of owners = each owner's countable prorated share.)

NOTE: When only one vehicle is owned, the TANF or PaS recipient's equity is totally excluded under item 3 of this section.

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)

FS Cross
Reference

ASSETS (cont.)

- b. irrevocable trust funds provided that no one residing in the home can revoke the trust or change the beneficiary;

NOTE: Trust funds are irrevocable when the family does not have the legal ability to convert them.

- c. portions of settlements that are earmarked and intended to be used for expenses not included in the TANF or PaS grant {i.e. back medical bills, replacement of lost resources, legal fees (See Lump Sum Rule, Chapter III)}
- d. that portion of joint bank accounts shown by convincing evidence to have been contributed by someone outside the filing unit. If that portion is intended as a gift, it is not to be excluded;
- e. funds excluded under item 9 of this section such as student loans, that are kept in a separate account. The funds in these accounts will retain their exclusion for an unlimited time.

- 2. The home and surrounding lot if not separated by property owned by someone else, even when left temporarily unoccupied because of employment, job training, education, illness or disaster.

If the home is unoccupied, the filing unit must demonstrate the intent to return.

333-3

- 3. One vehicle used as the primary vehicle.

333-3

NOTE: The equity value of all the other vehicles will be used toward the asset limit.

DEPARTMENT OF HUMAN SERVICES
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Eligibility Requirements (Financial)

FS Cross
Reference

ASSETS (cont.)

NOTE: To determine the equity value use the average trade-in value from either the "The National Automobile Dealers Association's (NADA) Used Car Guide Book" or the Kelly Blue Book, making appropriate deductions as listed in the guide but do not add for options. A household's estimate can be used for vehicles not listed in the car guide unless it appears unreasonable. The lower of the two estimates will be used.

Allowance can be made for a vehicle in less than average condition if true value is verified by a reliable source.

The value of a vehicle specially equipped for the handicapped will not be increased because of the equipment.

- | | | |
|-------|----|---|
| 333-2 | 4 | Prepaid burial contracts and burial spaces intended for use by the filing unit. |
| | 5. | Personal items used in day-to-day living such as clothing, household furnishings, jewelry, maintenance tools and equipment. |
| | 6. | Property, including real property, used in the production of income. This includes property not in use because of circumstances beyond the control of the client, e.g. temporary disability, care of an ill person, disasters, etc. Likelihood of returning to the same employment must be evident. |
| | 7. | Real property which the household is making a good faith effort to sell at a reasonable price. |
| | | NOTE: Verify "good faith effort to sell" through documentation that the property is offered for sale in a newspaper or through a real estate broker. |
| | 8. | Livestock used to produce income or intended for family consumption. |
| 333-2 | 9. | Any personal loan with an agreement to repay. The agreement must be verified by: |
| | a. | a written agreement to signed by both parties to repay the money within a specified time, or |

**DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)**

FS Cross
Reference
333-2

ASSETS (cont.)

- b. evidence that the loan was obtained from an individual or establishment engaged in the business of making loans.
- 10. All educational grants, loans and scholarships from a recognized source to the extent the money is needed for educational expenses. Portions used to fill the unmet need are also excluded.
- 11. The cash surrender value of insurance policies.
- 12. Up to \$10,000 of nonrecurring lump-sum income used within 30 days of receipt for specific purposes (i.e. Family Development Accounts or Separate Identifiable Accounts set up as described in the Lump Sum Rule, Chapter III and state law at 22 MRSA 3762.
- 13. Family Development Accounts or Separate Identifiable Accounts set up as authorized by state law 22 MRSA 3762 of up to \$10,000 and any accrued interest.

NOTE: State law allows SIA's to be set-up and used for 4 specific purposes:

- a. Expenses of education or job training to attend an accredited or approved post secondary education or training institution;
 - b. The purchase or repair of a home that is the family's principal residence;
 - c. The purchase or repair of a vehicle used for transportation to work or to attend education or training programs; or
 - d. Capital to start a small business for any family member 18 years of age or older.
- 14. A one-time cash compensation payment and accrued interest from the Baxter Compensation Authority to former students of Baxter School for the Deaf who were found to have been physically or sexually abused before January 2001.

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Eligibility Requirements (Financial)**

FS Cross
Reference
333-2

ASSETS (cont.)

15. Assets excluded by Federal Statute:
 - a. Grants, loans and scholarships to graduates or undergraduate students made under any program administered by the U.S. Secretary of Education (example: PELL, SEOG, NDSL, Perkins, Work Study);
 - b. Value of supplemental food assistance received under Child Nutrition Act and under the National School Lunch Act;
 - c. Benefits received under Title VII, Nutrition Program for the Elderly - Older American Act;
 - d. Value of USDA Food Stamps and/or Donated Commodities;
 - e. Tax-exempt portions of payments made under the Alaskan Native Claims Settlement Act;
 - f. Payments made under Annual Contributions Contract under U.S. Housing Act;
 - g. Relocation assistance or allowance under the Housing Act. Also, included are payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy;

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FS Cross
Reference

ASSETS (cont.)

- h. Agent Orange Settlement payments;
 - i. JTPA, Job Corps, or Americorp payments of all types.
 - j. Payments resulting from Congressional action which specifically exclude such payment (example: The Maine Indian Land Claims Settlement);
 - k. Monies received under the Domestic Volunteer Services Act by volunteers serving as foster grandparents, senior health aides or companions;
 - l. HUD community development block grant funds and escrow accounts in the Family Self Sufficiency Program;
 - m. Benefits paid under the Home Energy Assistance Program (HEAP) or any other federal program providing energy assistance;
 - n. Title I payments to Volunteers such as VISTA;
- NOTE: If the Agency is notified by the Director of Action that the payment divided by the number of hours served is equal to or greater than the minimum wage, the exclusion does not apply.
- o. Radiation Exposure Compensation Act settlements for injuries or death from nuclear testing or uranium mining.
 - p. EITC for first 2 months (month of receipt and the following month).
 - q. Assets owned solely by an excluded stepparent.
 - r. Property of no saleable value.
 - s. Payments made to victims of Nazi persecution under Public Law 103-286 (Nazi Persecution Victims Eligibility Benefits).

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)

FS Cross
Reference
555-1

INCOME

GENERAL RULE: Consider the income of all members of the filing unit as well as excluded stepparents, sponsors of aliens, sanctioned parents and parents or legal guardians of minor parents.

Definitions:

555-2

Earned Income: Money earned in exchange for labor or services. Gross earnings is the amount of money prior to any deductions. It not only includes income in cash or in-kind such as wages, salaries, commissions or profit from self-employment but also wages that are garnished or diverted by an employer.

555-3

Unearned Income: Money that is not produced by labor or services. It not only includes benefits such as Social Security, Veterans benefits, pensions, unemployment compensation, Worker's Compensation, dependents allotments, maintenance agreements, contributions, support payments, annuities, dividends, interest, and regular withdrawals from trust funds; but also unearned income garnished or diverted.

Potential Income: Money which could be received if action were taken to obtain it, such as Social Security, Unemployment or VA benefits.

NOTE: To begin or continue eligibility, the assistance unit must show that steps are being taken to obtain any potential income.

NOTE: Garnishment is not considered income in the following two instances, which are exceptions:

1. Income garnished to fulfill the terms of court ordered support/alimony or Title IVD support orders.
2. Income garnished/recouped by the same agency that issues the income (e.g. UIB being recouped by the Department of Labor to satisfy a prior overpayment).

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)

FS Cross
Reference

INCOME (cont.)

444-2
555-2

Self-employment: Money earned by individuals engaged in their own business enterprise, such as:

1. independent contractors, franchise holders, owners/operators, farmers, people who produce and sell a product, and service-type businesses;
2. income from boarders;
3. income from roomers;
4. returns on rental property.

Seasonal Income: Money earned in exchange for labor or services not required year round such as fishing, clamming, worm digging, logging, harvesting, etc.

444-2

Contract Income: Money earned in exchange for labor or services in a period of time shorter than one year such as school teachers, crossing guards, bus drivers, property maintenance worker, etc.

Contract income is averaged over a twelve month period when it represents the household's major source of support, provided it is not paid on an hourly or piecework basis. This applies even when it is received in a shorter period of time such as sometimes occurs with teachers and other school employees.

Contract income is averaged over the period the income was intended to cover when it is not the household's major source of support, provided it is not paid on an hourly or piecework basis.

555-4

EXCLUDED INCOME

1. Child Support collections which are correctly paid by the Department, not including non welfare payments.

NOTE: Non welfare collections, less the first \$50 per assistance unit must be budgeted in the retro.

2. Pass through payments.
3. Payments received from the Department or other agencies for foster children in licensed or approved homes who are not part of the assistance unit.

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)

FS Cross
Reference

INCOME (cont.)

4. Incentive payments and training expenses paid by the ASPIRE-TANF Program whether in institutional or field training.
5. Supplemental assistance from public or private agencies to help the assistance unit meet emergency situations or balance of need not met by TANF or PaS, such as General Assistance, Emergency Assistance, or HUD and FmHA utility reimbursements.
6. Income of children not included in the assistance unit.
7. Wages of dependent children in the assistance unit as long as they are full-time students or part-time students not employed full time.

NOTE: See Chapter II, regarding students.

8. Goods and services received which are not included in the list of basic requirements established by this agency. (See Chapter III) (See Appendix Basic Cost Charts)
9. Food produced in home farming for the assistance unit's consumption.
10. When an involuntary separation occurs where the client or spouse enters a medical institution, the income of the institutionalized spouse will be considered for that person only. This applies in the following situations:
 - a. the spouse is placed in an ICF or SNF.
 - b. the spouse is hospitalized in a general hospital in excess of 60 days.
 - c. the spouse is hospitalized for a kidney transplant.

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FS Cross
Reference

INCOME (cont.)

11. Any personal loan from any source providing there is clear evidence of an agreement to repay. The following is acceptable evidence:
 - a. written agreement to repay the money within a specified time, or
 - b. evidence the loan was from an individual or establishment in the business of making loans.
12. Reimbursements for job related expenses to the extent they do not exceed actual expenses.
13. Gifts of money not to exceed \$30 per recipient per quarter. The quarter is the 3 month period ending with the month of receipt.
14. Portions of all educational grants, scholarships, and other awards from a recognized source to either graduates or undergraduates which are obtained for and used for expenses other than for current living costs.

NOTE: The portion of any assistance given to students which is not used on actual educational costs shall be counted as income. This does not apply to education assistance which is totally excluded by Federal statute (see below).

NOTE: The dependent portion of VA educational assistance shall be counted as income.

15. Monies received as a match on deposits a recipient makes in their Family Development Account or Separate Identifiable Account set up as authorized by state law 22 MRSA 3762 up to the \$10,000 cap.

NOTE: State law allows FDA's to be set-up and used for 4 specific purposes:

- a. Expenses of education or job training to attend an accredited or approved post secondary education or training institution;
- b. The purchase or repair of a home that is the family's principal residence;

**DEPARTMENT OF HUMAN SERVICES
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Eligibility Requirements (Financial)**

FS Cross
Reference

INCOME (cont.)

- c. The purchase or repair of a vehicle used for transportation to work or to attend education or training programs; or
- d. Capital to start a small business for any family member 18 years of age or older.

16. Monies received as accrued interest on a recipient's Family Development Account or a Separate Identifiable Account set up as authorized at 22 MRSA 3762.

17. A one-time cash compensation payment and accrued interest from the Baxter Compensation Authority to former students of Baxter School for the Deaf who were found to have been physically or sexually abused before January 2001.

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18. INCOME EXCLUDED BY FEDERAL STATUTE:

- a. Grants, loans and scholarships to students made under any program administered by the U.S. Secretary of Education such as: PELL, SEOG, NDSL, Perkins and Work Study;

DEPARTMENT OF HUMAN SERVICES
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Eligibility Requirements (Financial)

FS Cross
Reference

INCOME (cont.)

- b. Monies received under the Domestic Volunteer Services Act by volunteers serving as foster grandparents, senior health aides or companions;
- c. Value of supplemental food assistance received under the Child Nutrition Act or the National School Lunch Act;
- d. Benefits received under Title VII, Nutrition Program for the Elderly - Older Americans Act;
- e. Value of USDA Food Stamps and/or Donated Commodities;
- f. Tax-exempt portions of payments made under the Alaskan Native Claims Settlement Act;
- g. EITC received as advance payment in weekly wages or received in one sum after filing annual income tax return.
- h. Payments made under Annual Contributions Contract under the U. S. Housing Act;
- i. Relocation assistance or allowance under the Housing Act. Also, included are payments made under Title II of the Uniform Relocation and Real Property Acquisition Policy;
- j. JTPA, Job Corp, or Americorp payments of all types.
- k. Payments resulting from Congressional action which are specifically excluded, such as the Maine Indian Land Claims Settlement;

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FS Cross
Reference

INCOME (cont.)

- I. HUD community development block grant funds and interest from escrow accounts from the Family Self Sufficiency Program;
- m. Benefits paid under the Home Energy Assistance Program (HEAP) or any other federal programs providing energy assistance, including HUD and FmHA utility reimbursements.
- n. Title I payments made to volunteers such as VISTA;

NOTE: If the Department is notified by the Director of ACTION that the payment divided by the hours served is equal to or greater than minimum wage, this exclusion does not apply.

- o. Agent Orange Settlement payments;
- p. Radiation Exposure Compensation Act settlement for injuries or death from nuclear testing or uranium mining.
- q. Payments made to victims of Nazi persecution under Public Law 103-286 (Nazi Persecution Victims Eligibility Benefits).

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Eligibility Requirements (Financial)

FS Cross
Reference
555-5

Earned Income Disregards

GENERAL RULE: Certain disregards of earned income are considered when determining eligibility and payment.

The disregards are allowed in the order shown below and can be applied only for the months in which the income is received.

NOTE: There is an exception when the income is from self-employment. This income is annualized and appropriate disregards are deducted from the monthly average.

Disregards of earned income used prior to July 1, 1999 are relocated to the appendix.

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MAINE PUBLIC ASSISTANCE MANUAL
Eligibility Requirements (Financial)

FS Cross
Reference
555-5

Earned Income Disregards (cont.)

On or after 7/1/99:

The following disregards are given to individuals working on or after 7/1/99:

1. Each individual in the assistance unit who is employed, including self-employed individuals, is eligible for the following disregards:
 - a. one hundred eight dollars; and
 - b. fifty percent of the remaining earnings.

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FS Cross
Reference

Earned Income Disregards (cont.)

- c. Child or Dependent Care: After applying all of the other disregards, the worker shall deduct the cost of care for each dependent child or incapacitated adult needing care while the TANF recipient works. Deduct the actual cost up to \$175 per month per dependent or \$200 for children under age 2.

NOTE: Dependent care is not allowed if paid to anyone included in the assistance unit.

NOTE: If the TANF and PaS grant includes an "essential person", no dependent care disregard is allowed. (See Caretaker Relatives.)

All of the above disregards will not be applied to the earned income of individuals for any months in which:

- a. they terminate their employment or reduce their earned income without good cause within the 30 days preceding that month,
- b. they refuse without good cause to accept employment when offered within 30 days preceding that month,
- c. they fail without good cause to report an increase in earned income within 10 days from the date of receipt,
- d. they are sanctioned for noncompliance of any TANF/PaS requirements .

111-6

Good cause is established by the Eligibility Worker and is based on the following criteria:

1. Termination of employment or reduction of earned income:
 - a. Dismissal
 - b. Illness of employed individual
 - c. Care of other ill family members
 - d. Loss of transportation
 - e. Harassment
 - f. Risk to health and safety
 - g. Other reasons which indicate the action was not deliberate or willful

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Eligibility Requirements (Financial)

FS Cross
Reference
111-6

Earned Income Disregards (cont.)

2. Refusal to accept employment:
 - a. Illness of employable individual
 - b. Care of other ill family members
 - c. Lack of transportation
 - d. Risk to health and safety
 - e. Other reasons which indicate employment would be detrimental to family
3. Failure to report timely an increase in earned income:
 - a. Mail delay
 - b. Illness of employed individual
 - c. Other unanticipated emergencies

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Eligibility Requirements (Financial)

FS Cross
Reference

TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS

SUBJECT: Income-In-Kind, Vendor Payments, Outside Contributions

GENERAL RULE: If not specifically excluded or disregarded by TANF and PaS policy, income-in-kind, vendor payments, or contributions toward budgeted items from people not in the filing unit or from organizations or agencies shall be treated as follows:

555-4

1. When payment in full for the following items is made via income-in-kind or vendor payment by someone not included in the filing unit, a percentage of the full need standard appropriate for the filing unit will be budgeted as available income in determining payment.

Housing (33.33% of Full Need) This includes either a payment for rent or home ownership costs including taxes, mortgage payments, insurance, property maintenance, heating fuel, water, electricity, gas, refuse disposal, allowances toward household textiles (sheets, towels, etc.), furniture and appliance replacement, housewares, laundry and cleaning supplies, paper products, service and telephone at the basic rate.

Clothing (15% of Full Need) This includes allowances for all seasons basic inner and outer clothing, undergarments, footwear, dress and work clothing, cleaning and pressing services and shoe repair.

Food (40% of Full Need) This includes an allowance for all food eaten at home, lunches eaten at work, lunches at school and snacks.

NOTE: In full means payment of all expenses listed in the above definitions.

2. When partial payment is made via income-in-kind or vendor payment, it is not considered in the TANF and PaS budget.

NOTE: Any money contributed directly to the filing unit is budgeted as available income.

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Eligibility Requirements (Financial)

FS Cross
Reference

TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS

SUBJECT: Step-Parent Income

GENERAL RULE: When there is a stepparent in the home, they may choose to be included or excluded in the filing unit unless they are applying for their own children or a mutual child living with them draws them into the filing unit. See Filing Unit Rule Chapter II. Whether included or excluded, their income is considered in determining eligibility and payment for the filing unit.

NOTE: A stepparent whose employment requires extended periods away from the home is still considered to be residing in the home.

When the stepparent is included, their income and assets shall be considered as for any individual in the filing unit.

When the stepparent is excluded, the following disregards and allocations will be applied to their monthly income: (Disregards used prior to July 1, 1999 are in the appendix.)

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Eligibility Requirements (Financial)

FS Cross
Reference

TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS

On or after 7/1/99:

The following disregards are given to excluded Stepparents working on or after 7/1/99:

1. Each excluded Stepparent in the assistance unit who is employed, including self-employed Stepparent, is eligible for the following disregards:
 - a. one hundred eight dollars; and
 - b. fifty percent of the remaining earnings.

Other:

2.
 - a. from earned income:

an allocation equal to the full need standard for individuals other than the stepparent living in the same household, but not included in the filing unit, and who are claimed by the stepparent as tax dependents. This does not include the needs of individuals required to be in the filing unit but who have been sanctioned,
 - b. from unearned income:

an allocation equal to the full need standard for the support of the stepparent and other individuals living in the same household, but not included in the filing unit, and who are claimed by the stepparent as tax dependents. This does not include the needs of individuals required to be in the filing unit but who have been sanctioned.
3. from earned or unearned income, the actual amount of alimony or child support payments to persons not living in the home,

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Eligibility Requirements (Financial)

Stepparent Income (cont.)

The remainder of the excluded stepparent's income is budgeted as unearned income to the filing unit.

The assets of the excluded stepparent are not considered available to the filing unit even if the legal parent is included on the grant.

The lump sum income of the excluded stepparent is considered as any other income. If the assessed income, including the lump sum, is greater than the filing unit's need standard for the month, the filing unit is ineligible for that month.

The lump sum income of the excluded stepparent is considered as any other income. If the assessed income, including the lump sum, is greater than the filing unit's need standard for the month, the filing unit is ineligible for that month.

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Eligibility Requirements (Financial)

FS Cross
Reference

TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS (cont.)

444-2

Subject: Self-Employment Income

555-2

GENERAL RULE: Self-Employment income is income earned by individuals engaged in their own business enterprises (see Chapter III). Self-employment income is averaged over a 12 month period. This applies even when it is received in a shorter period of time.

NOTE: When the 12 month average is not an accurate reflection of circumstances or if a business has been in operation less than a year, income will be averaged for the months in operation or treated like any other fluctuating income.

NOTE: Seasonal self-employment which supplements other income shall be averaged over the season.

Verification may be by income tax returns if the business has been in operation long enough to have filed or by business records for those that have been operating less than a year, or when it is claimed that circumstances are much different than during the previous tax year. The Worker may initially want to recall the case monthly to arrive at a best estimate until the situation becomes stable.

Determination of Income

1. Use all gross self-employment income including the full amount of capital gains and depreciation claimed on the tax return.
2. Subtract the cost of producing the income. The following expenses are not allowed:
 - a. Payments on the principal of the purchase price of income producing real estate, capital assets, equipment, machinery or other durable goods.

NOTE: The interest on the above shall be allowed.

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FS Cross TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
Reference (cont.)

- b. Net losses from prior periods;
- c. Federal, state and local income taxes, retirement plans, and work related personal expenses (i.e. transportation to and from work);
- d. Depreciation

The following costs of production are allowed:

taxes

- a. cost of labor including, F.I.C.A., State and Federal
- b. cost of materials, stock, etc.
- c. rent
- d. interest

income.

- 3. Divide the net earnings by the number of months over which the income is to be averaged.
- 4. Treat the net self-employment income as other earned

111-1
444-3

Boarders and Roomers:

The cost of producing income by providing "board and room" will be the actual cost of providing meals and a room per month per individual. "Room" only is the actual cost of providing a room per month, and "Board" only is the actual cost of providing meals per month.

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FS Cross
Reference

TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)

SUBJECT: Parent Income of a Minor Parent or Pregnant Minor

GENERAL RULE: When a minor parent or pregnant minor lives in the same home with their parent, the income of the parent is considered in determining eligibility and payment for the minor parent.

When a minor parent is deprived, their parent must be the applicant, when the grandparent is the caretaker relative of both.

NOTE: When the grandparent is included in the filing unit, their income and assets are considered as in any other TANF or PaS grant.

When the minor's parent(s) are members of the household but not of the filing unit, their income and assets are treated as an excluded stepparent's.

NOTE: An excluded stepparent's income is not deemed to the minor parent or pregnant minor. However, when the minor's parent is included in the grant, there is spousal deeming from the non-essential stepparent to the minor's parent.

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Eligibility Requirements (Financial)

FS Cross
Reference

TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)

SUBJECT: Attributed Tips

GENERAL RULE: Tips attributed or allocated to restaurant employees by their employers on paystubs or W-2 forms are not actual tips and shall not be used in computing TANF and PaS payments. The recipient is responsible for maintaining a daily log of actual tips, which will be used to verify countable tip income for budgeting purposes.

NOTE: If the Eligibility Worker has reason to believe that tips are being underreported, a thorough exploration should be carried out with the recipient, their employer, and other collateral sources.

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Eligibility Requirements (Financial)

FS Cross
Reference

TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)

SUBJECT: Guardian and Conservator Fees

GENERAL RULE: When a legally appointed guardian or conservator charges a fee for services, the TANF and PaS payment will be increased. The fee will be based upon the gross income plus the TANF and PaS payment using the following chart:

GROSS INCOME	COST PER MONTH	GROSS INCOME	COST PER MONTH
\$ 0 - \$ 10	\$.50	\$131 - \$140	\$ 7.00
11 - 20	1.00	141 - 150	7.50
21 - 30	1.50	151 - 160	8.00
31 - 40	2.00	161 - 170	8.50
41 - 50	2.50	171 - 180	9.00
51 - 60	3.00	181 - 190	9.50
61 - 70	3.50	191 - 200	10.00
71 - 80	4.00	201 - 210	10.50
81 - 90	4.50	211 - 220	11.00
91 - 100	5.00	221 - 239	11.50
101 - 110	5.50	231 - 240	12.00
111 - 120	6.00	241 - 250	12.50
121 - 130	6.50	251 - 260	13.00

ADD 50 CENTS FOR EACH \$10 OVER \$260 PER MONTH

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**TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)**

SUBJECT: Non-Recurring Lump Sum Income

GENERAL RULE: Non-recurring lump sum income, after allowable exclusions, shall be considered available to meet current as well as future needs of the assistance unit.

Non-recurring lump sum income may be in the form of retroactive payments or settlements or may be in the nature of a windfall. Some examples are: retroactive portions of Social Security, Workers' Compensation, Unemployment, Disability, VA or other benefits, pay raises, inheritances, lottery winnings, personal injury awards, property damage claims, divorce settlements, etc.

NOTE: Lump sum income representing the change from a non-liquid to liquid asset shall continue to be considered an asset (e.g., sale of marital property).

Exclusion from Lump Sum Policy:

A one-time cash compensation payment and accrued interest from the Baxter Compensation Authority to former students of Baxter School for the Deaf who were found to have been physically or sexually abused before January 2001.

1. **Determining The Net Lump Sum:**

To arrive at the net lump sum income: disregard from the gross amount

- a) attorney's fees,
- b) any portion earmarked and verified as having been used for the purpose for which it was paid (i.e., monies for back medical bills resulting from accident or injury, funeral and burial costs, replacement or repair of a lost resource, etc.).
- c) up to \$10,000 of nonrecurring lump sum income must be disregarded as income and excluded as an asset if used for the following purposes within 30 days of its receipt:

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**TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)**

- (1) Deposit in a separate identifiable account, approved by the Department. Withdrawals from such an account may only be for the purposes identified in subparagraphs (2) to (6) and paragraph C;

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- (2) Expenses for education or job training to attend an accredited or approved post secondary education or training institution;
 - (3) The purchase or repair of a home that is the family's principal residence;
 - (4) The purchase or repair of a vehicle used for transportation to work or to attend an education or training program;
 - (5) Capital to start a small business for any family member 18 years of age or older; or
 - (6) Placement in a Family Development Account or Separate Identifiable Account set up as authorized by state law,²² MRSA 3762 to the extent that the total balance of such an account remains below \$10,000.
- d) the Department will disregard from income and exclude as an asset nonrecurring lump sum income used within 30 days of receipt or money withdrawn from an account established pursuant to paragraph c, subparagraph (1) or (6), if it is used for the purposes stated in paragraph c, subparagraphs (2) to (6) or to meet the following needs:
- (1) Health care costs of a household member that are medically necessary and that are not covered by public or private insurance;
 - (2) To address an emergency that may cause the loss of shelter, employment or other basic necessities; or
 - (3) To address other essential family needs approved by the Department.

NOTE: Lump sum money used for purposes other than those stated in paragraphs a) through d) and their subparagraphs is considered as income available for the family to live on and will be treated as any other unearned income in the calculation of the period of ineligibility.

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2. Any portion of the lump sum income not excluded must be used to support the assistance unit.

Calculating The Period Of Ineligibility:

When the assistance unit's total amount of countable earned and unearned income (excluding the TANF or PaS grant and including countable lump sum income) does not exceed the standard of need in the month of receipt, treat as any other income.

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TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)

When the income exceeds the standard of need, the unit will be ineligible for the number of months derived by dividing the total countable income for that month by the full need standard. Any income remaining is treated as income received in the first month following the period of ineligibility. The first month of ineligibility is the month the lump sum is received. An TANF or PaS payment for that month is considered an overpayment unless the lump sum is timely reported.

3. Adjusting The Period of Ineligibility

The period of ineligibility may be shortened or ended when one of the following occurs:

- a. There is an increase in the TANF or PaS Standard of Need.

NOTE: When there is an addition to the family unit during the period of ineligibility, the need standard used in the recalculation must include individuals who would otherwise be eligible for AFDC. Examples: newborns, child returning home, or any other individual required to be in the filing unit.

- b. There are medical expenses incurred and verified as paid by any member of the ineligible assistance unit. The expenses must be equal to or exceed the amount already used in initially calculating the period of ineligibility.
- c. There is a circumstance beyond the family's control which causes the assistance unit to use the lump sum on the following verified exclusions:
1. Payment of funeral or burial expenses for a family member;

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TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)

2. Travel costs related to the illness or death of a family member;
3. Repair or replacement of essentials lost due to fire, flood or other natural disasters;
4. Repair, purchase, or unreimbursed operating costs of a motor vehicle essential for employment, education, training, or other day-to-day living necessities;
5. Additional payments for medical bills or replacement of lost resources earmarked in the settlement;
6. Money used to meet essential needs such as housing, utilities, food, clothing, furnishings and other necessities required for the health and safety of the family.

NOTE: Payment to prevent rent evictions and utility disconnects are allowable deductions because evictions and disconnects threaten the health and safety of the family.

NOTE: Similarly, when the verified current monthly shelter expenses exceed the assistance unit's standard of need, the amount exceeding the standard of need is an allowable deduction.

NOTE: Advance payments, such as paying ahead on rent or utilities are not allowable deductions because the net countable lump sum is being set aside to meet those monthly expenses.

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TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)

NOTE: The period of ineligibility is not shortened when the lump sum is used for basic needs covered by the TANF or PaS Need Standard.

NOTE: "Circumstance beyond the family's control" does not include the family's lack of knowledge about the lump sum rule. All TANF or PaS recipients are told to contact their Eligibility Worker before spending any lump sum income.

The receipt of the lump sum and a situation beyond the family's control may occur simultaneously or close in time. When this happens, documentation can be used by the Eligibility Worker to justify the application of steps 1, 2, and 3 at the initial calculation of the period of ineligibility.

The decision to *shorten* the period is made by the Eligibility Worker with Supervisor approval. The documentation in the record shall include their signature.

The decision to *end* the period of ineligibility due to circumstances beyond the family's control shall be made by the TANF and PaS Supervisor or Program Manager.

The request from the Eligibility Worker shall be in writing and contain the basis for the request.

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PASS THROUGH PAYMENTS

Up to the first \$50 per month per assistance unit of child support collected on the monthly support obligation for the assistance unit will be paid to the assistance unit.

This Pass Through payment will be excluded as income and assets in determining need and the amount of the assistance payment. In addition this amount will not be considered as part of any overpayment when support is received directly by the recipient and is not forwarded to the State.

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TREATMENT OF CERTAIN TYPES OF INCOME AND DEDUCTIONS
(cont.)

TANF and PaS SUPPLEMENTAL PAYMENTS (Gap Payments)

Assistance units are eligible to receive the child support collected in a month, including arrearages up to the amount of their unmet need (Gap).

EXCESS PAYMENTS

When a family receives excess child support payments, their prospective financial eligibility must be explored:

1. When current child support is collected and it occasionally exceeds the total of the pass through, gap, and the grant amount, the recipient is sent the excess and eligibility for TANF continues.
2. When it can be anticipated that the child support collected will routinely exceed the total of the pass through, gap, and grant amount, eligibility for TANF ends.

EXAMPLES:

- a. When the excess payment is caused by a fifth week of child support collections or by an unusual 1-time situation, the case remains open.
- b. When ongoing increased child support causes closure, Medicaid is reevaluated, and eligibility for Medicaid is determined separately.
- c. When ongoing increased earnings causes the closure, transitional services are extended as described in Chapter V.
- d. When the closure is due to both an increase in child support and an increase in earnings in the same month, determine if one source of income ALONE would close the case, and close accordingly. If neither source of income considered alone closes the case, consider the earnings as the source which contributes to the closure and extend transitional services.

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PROSPECTIVE BUDGETING

GENERAL RULE: Eligibility and benefit amounts are based on the best estimate of the household's income and other circumstances expected to exist until the next review.

The best estimate is based on the recipient's and Eligibility Worker's knowledge of the past, as well as, reasonable expectations of current and future circumstances. In making this determination the Worker must use the concepts of significant and non-significant income changes as well as averaging. The method of arriving at the best estimate of income must be clearly documented.

Significant Income Changes: Changes in sources or amounts of income which are expected to continue long enough to be reflected in at least one check. Some examples are starting a job, a new source of unearned income, losing a job or source of unearned income, or changes in hours and wages.

Non-Significant Income Changes: Changes that are temporary, very short term and not part of the ongoing pattern. These may include fluctuations due to irregular overtime or unpaid days off and other changes not expected to continue beyond the month of occurrence.

NOTE: Variations in income caused by non- significant changes are not considered underpayments or overpayments.

Making a Best Estimate (Income Averaging): A best estimate is determined by the following steps:

1. All income received in the four weeks immediately preceding the application or review must be verified.

EXCEPTION: When income stops, verify the termination and verify only the income received in the month of application and thereafter. In these instances, there may be less than four weeks of income.

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Reference

PROSPECTIVE BUDGETING (cont.)

2. Through documentation of the income and discussion with the individual, determine if there were any significant changes. If the changes are of a continuous nature, they must be used in determining the best on-going estimate.
3. Decide if there are anticipated significant changes that should be acted upon now or recalled for a revision of the best estimate the month before the changes are expected to occur.

NOTE: The case is scheduled for recall because a recipient has been receiving unemployment compensation and eligibility for those benefits is expected to end soon. To complete the recall, the worker will divide the current diminishing balance by the weekly benefit amount and determine whether the best estimate of the recipient's income in the next month should include or exclude the unemployment compensation.

4. Determine the best estimate using only income from the eight week period that is representative of the future. The record must clearly document what income was used and what was not used and why.
5. Self-employment must be based on the most recent tax return, if it is representative of the future. For seasonal income, it may be more appropriate to use a comparable season for the upcoming review period.
6. The final step is to average the income the Worker has decided to use. If there were significant changes during the past period or expected changes in rate of pay or hours, this should be considered.
7. Weekly income is converted to a monthly figure using 4.3 or the biweekly amount is converted to a monthly figure using 2.15.

NOTE: Whenever less than a full month's income is anticipated, the actual monthly income will be used.

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BUDGETING PRINCIPLES

GENERAL RULE: For purposes of determining eligibility and payment the income already received and any income which can be reasonably anticipated must be taken into account.

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BUDGETING PRINCIPLES (cont.)

On or After 7/1/98: (Pretest prior to 7/1/98 are relocated to the appendix.)

Application Pretests:

Beginning October 1, 2001, there are two pretests for applicants:

1. Gross Income Test

Gross income must be equal to or less than the amount indicated in the Gross Income Test column of the appropriate chart in the Appendix.

NOTE: Gross income includes the total earned and unearned income, before application of any disregards, of those individuals whose income is taken into account in determining eligibility.

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Reference

BUDGETING PRINCIPLES (CONT.)

NOTE: The excluded stepparent is counted in the assistance unit for the gross income test.

NOTE: All of the earned income of a dependent child is excluded from the gross income test when they are full-time students or part-time students not employed full time.

For the purpose of this test, the countable income of excluded stepparents, sponsors, or parents of minor parents is their gross income less applicable disregards. (See Chapter III.)

NOTE: Child support received through the Department up to the current monthly obligation will be counted, with the exception of the first \$50.

Child support received directly will be counted with the exception of the first \$50.

The exclusion cannot exceed \$50 per assistance unit.

If the assistance unit's gross income is greater than the gross income test for the appropriate family size, they are ineligible. If the assistance unit's gross income is equal to or less than the gross income test for the family size, calculate the benefits using the appropriate disregards.

2. Second Income Test:

After applying all disregards, the countable income must be equal to or less than the amount indicated in the Second Income Test column in the appropriate chart in the Appendix.

On-going Redetermination Pretest:

There continues to be one pretest for on-going redetermination of eligibility. When circumstances change, prospective eligibility is determined using the Gross Income test described above.

The Second Income Test is not used for redeterminations.

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Calculation of Payment

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On or after 7/1/99: (Calculations prior to 7/1/99 are relocated to the appendix).

The following disregards are given to individuals working on or after 7/1/99:

1. Each individual in the assistance unit who is employed, including self-employed individuals, is eligible for the following disregards:
 - a. one hundred eight dollars; and
 - b. fifty percent of the remaining earnings.
 - c. Child or Dependent Care: After applying all of the other disregards, the worker shall deduct the cost of care for each dependent child or incapacitated adult needing care while the TANF recipient works. Deduct the actual cost up to \$175 per month per dependent or \$200 for children under age 2.

NOTE: Payment month is the month for which the benefits are intended.

NOTE: Dependent care is not allowed if paid to anyone included in the assistance unit.

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Reference

BUDGETING PRINCIPLES (cont.)

2. If an adult member of the assistance unit is legally responsible for the support of others living in the home who do not meet the categorical definition of TANF or PaS, allocate the appropriate full need standard from the adult's remaining income.

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NOTE: No allocation can be made to dependents who are otherwise eligible for TANF or PaS. In addition, income will not be allocated to any dependent with assets in excess of the allowable limit.

If an adult member of the assistance unit is legally responsible for and *actually paying* support for children or alimony to a former spouse outside the home, the support payment is allowed as a deduction.

Child support received minus the first \$50 is added to the countable income until the effective date of assignment.

3. Subtract Countable Income from the need standard. Authorize the difference between the two figures up to the payment maximum. If the result is less than \$10 before application of any recoupment or proration, no check is issued. However, the assistance unit may be eligible for Medicaid.

NOTE: When the countable income is greater than the standard of need, there is no eligibility for TANF or PaS.

4. In the final step round down to the next whole dollar.

Total Benefit Package:

In instances when the TANF recipient has child care costs, the Department shall determine a total benefit package, including TANF Benefits, determined above and additional child care assistance necessary to cover the TANF recipient's actual child care costs up to the maximum Market Rates specified in ASPIRE-TANF rules.

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Reference

BUDGETING PRINCIPLES (cont.)

The TANF recipient has an option to:

Receive the total benefit package directly; or to have the department pay the recipient's child care assistance directly to the designated child care provider for the recipient and pay the balance of the total benefit package to the recipient.

If a TANF recipient notifies the Department that the recipient chooses to receive the child care assistance directly, the Department shall pay the total benefit package to the recipient.

If a TANF recipient does not respond or notifies the Department of the choice to have the child care assistance paid directly to the child care provider from the total benefit package, the Department shall pay the child care assistance directly to the designated child care provider for the recipient. The Department shall pay the balance of the total benefit package to the recipient.

NOTE: When the amount of the child care disregard or child care support service is not used to pay the child care provider, the benefit is considered an overpayment.

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SPECIAL NEED HOUSING ALLOWANCE

GENERAL RULE: There is a special need payment of up to \$100 per month for each assistance unit incurring housing costs which equal or exceed 75% of their countable income.

All of the rules and budgeting principles governing the TANF or PaS Basic Grant payment will be applied to the Special Needs (SN) Payment.

Exception: A separate application for the SN payment is not required. The TANF or PaS application or re-determination is considered a request for the SN payment.

In order to determine eligibility for families in this group, do the following:

1. Determine the family's eligibility for a Special Needs housing payment using the standard of need and maximum payment level used in 6/98.
2. After determining the 6/98 SN payment, add the payment amount to the 7/98 basic TANF grant.

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SPECIAL NEEDS HOUSING ALLOWANCE

Countable Income:

1. Earnings

On or after 7/1/99: (Prior disregards are relocated to the appendix.)

The following disregards are given to individuals working on or after 7/1/99:

Each individual in the assistance unit who is employed, including self-employed individuals, is eligible for the following disregards:

- a one hundred eight dollars; and
- b fifty percent of the remaining earnings.
- c. Child or Department Care: After applying all of the other disregards, the worker shall deduct the cost of care for each dependent child or incapacitated needing care while the TANF recipient works. Deduct the actual cost up to \$175 per month per dependent or \$200 for children under age 2.

NOTE: Payment month is the month for which the benefits are intended.

NOTE: Dependent care is not allowed if paid to anyone included in the assistance unit.

- 2. Unearned income including deemed income and child support minus the \$50 Pass Thru;
- 3. Basic TANF or PaS Grant amount.

Countable Housing Expenses: The expense which the TANF or PaS assistance unit is *responsible for* is the countable expense even when the assistance unit has been unable to pay that amount:

- 1. Rent, including lot rent;
- 2. Mortgage payment;
- 3. Property taxes;
- 4. Homeowner's insurance.

NOTE: Any housing costs paid by General Assistance will be considered the responsibility of the assistance unit.

NOTE: When the assistance unit's income is pooled with the income of others, and it is undefined whose money pays which expenses, a prorated share is used.

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Reference
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SPECIAL NEED FOR HOUSING ALLOWANCE (cont.)

NOTE: Units incurring expenses for room or board and room may be eligible. To determine the amount paid for room by a unit paying both room and board, subtract the amount of the Thrifty Food Plan for the assistance unit's size from the board and room cost. The remainder is the cost of the room. When the unit can prove that a higher amount is being paid for room, the higher figure is to be used.

Budgeting Principles: Determine eligibility for the Basic TANF or PaS Grant in the usual manner.

When Eligible:

- a. Add the basic TANF and PaS grant amount plus child support (minus pass-through), plus countable income.
- b. Add costs for rent (including lot rent), mortgage, homeowner's insurance and property taxes.
- c. Divide "b" by "a"

(Steps a through c is the 75% test)

- d. When "c" is equal to or greater than 75%, subtract the TANF and PaS countable income from the Special Need Full Need Standard. The grant amount is the deficit up to the maximum Special Need Payment for the unit size (see Special Need in Appendix).

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FS Cross SPECIAL NEED FOR HOUSING ALLOWANCE (cont.)
Reference

When Not Eligible:

- a. Using Special Need Chart, compare countable income for the gross income pretest.
- b. When the assistance unit does not pass this test, eligibility for Special Needs does not exist. The unit is ineligible for any payment.
- c. When the assistance unit passes the gross income test using the Special Needs Chart, calculate the 75% test as above (remembering that the basic grant is -0-).
- d. When "c" is greater than or equal to 75%, calculate the Special Need Payment by subtracting the TANF or PaS countable income from Special Need Full Need Standard. The grant amount is the deficit up to the maximum of \$100.
- e. When "c" is 74% or less, the assistance unit is denied all TANF or PaS benefits.

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Reserve

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Post TANF Benefits**

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Reference
None

TRANSITIONAL CHILD CARE (TCC)

GENERAL RULE: Transitional child care is available to recipients who received TANF or PaS in 1 of the 3 months immediately preceding the month of ineligibility. Increased hours of work or increased earnings must have caused or contributed to the closure, (See "EXCEPTION TO GENERAL RULE," below), and the family's gross income must be equal to or less than 85% of the state's median income for their family size.

NOTE: When an earnings increase or increased hours of work occurs in conjunction with another change which causes ineligibility, there is TCC.

EXAMPLE: When an individual who has been incapacitated works more than 20 hours per week, they are no longer considered disabled. The combination of increased hours of work and loss of deprivation make the family eligible for TCC.

NOTE: Families who become ineligible because of increased assessed income of the excluded step-parent are not eligible for Transitional Child Care.

NOTE: When a child's parent is sanctioned from the assistance grant, the child remains eligible for TCC because it is their need that TCC meets.

EXCEPTION TO GENERAL RULE:

Transitional Child Care services are also available to families in which one or both adults are working at paid employment; and, although they remain financially eligible for TANF or PaS benefits, request their benefits be terminated.

Transitional Child Care is available for children under age 13 needing care while their parent or caretaker relative works at paid employment. If the child is age 13 or over, they must be physically or mentally incapable of caring for themselves or be subject to court supervision with an official determination for the necessity of child care.

NOTE: The physical or mental incapacity must be determined by a physician or licensed psychologist.

NOTE: Children receiving SSI or IV-E Foster Care may also be eligible for transitional child care.

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Transitional Child Care is available to TANF or PaS households with TANF or PaS children under age 13. If the child is age 13 or over, they must be physically or mentally incapable of caring for themselves or be subject to court supervision with an official determination for the necessity of child care.

NOTE: The physical or mental incapacity must be determined by a physician or licensed psychologist.

NOTE: Children receiving SSI or IV-E Foster Care may also be eligible for transitional child care.

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Reference
None

TRANSITIONAL CHILD CARE (cont.)

NOTE: When a deprived child enters the household during the transitional period and meets all requirements, the child will be eligible for TCC.

Transitional Child Care is not available if the care is provided by parents, step-parents, guardians or members of the assistance unit.

Application Process:

Eligibility for Transitional Child Care and the calculation of the payments shall be determined by staff of the Office of Integrated Access and Support upon oral or written request in any month during the 12 month period immediately following TANF closure and completion of the interactive interview / application process.

NOTE: There is no retroactive benefit.

The first day of TCC is the first day of TANF ineligibility in which no work related child care benefits are received. This includes the child care disregard used in the calculation of the TANF grant and child care benefits received under ASPIRE-TANF, or the date of application, whichever is later.

Parent Fee Requirement:

The filing unit is responsible for paying a fee of 2% to 10% of gross income, based on the family's gross income compared to the State's median income level for each child receiving child care.

NOTE: The parent's child care fee is rounded down to the nearest whole dollar. The total amount of assessed fees to a family will not exceed 10% of the family's gross income for all of their children.

TCC Benefits:

Transitional child care benefits are calculated prospectively for a 7-day period beginning on Sunday. An individual's benefit is calculated according to the following formula:

- a. Calculate the total weekly child care costs,
- b. Subtract the parent fee, and issue benefits up to the market rate cap.

The "market rate cap" is derived from the 75th percentile rate charged in the county where child care is provided.

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TRANSITIONAL CHILD CARE (cont.)

DEFINITIONS

1. Infant: A born child, through 12 months of age.
2. Toddler: A child, 13 through 36 months of age.
3. Pre-School-aged child: A child, 37 through 59 months of age (or older than 59 months, if not yet enrolled in kindergarten).
4. School-aged child: A child, age 5 through 12 years of age (or younger than 5 years, if enrolled in kindergarten).

Exception: Apply the higher pre-kindergarten caps to 5 year olds who are not in school.

Payment Issuance:

The Department will issue the TCC benefit to the TCC recipient, unless the recipient requests in writing for the Department to directly issue payment to a child care provider on the TCC recipient's behalf.

NOTE: TCC benefits not used to pay a child care provider will be considered an overpayment which must be paid to the Department. The Department may recover the value of any outstanding TCC overpayment by offsetting future TCC benefits, TANF benefits, or referring the matter to the Department's Fraud, Investigation and Recovery Unit for collection.

Reporting Responsibilities:

TCC payments will remain constant until a review is completed or until the recipient reports a change that affects the amount of TCC benefit.

Within 10 days of its occurrence, TCC recipients have a mandatory duty to report any of the following:

1. Employment ceases
2. A child leaves the home
3. A change in child care providers takes place
4. A change occurs to the number of needed child care hours due to changed work hours or changes to time required for travel to and from paid employment
5. A recipient must report any change in income causing gross income to exceed 130% of the Federal Poverty Level. Otherwise, recipients must report income changes at least annually through and undergo an eligibility redetermination (see below).

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TRANSITIONAL CHILD CARE (cont.)

Redetermination:

All cases must have TCC benefit eligibility redetermined at least once each year. Redeterminations for TCC must be aligned with a Food Stamp or MaineCare Redetermination when a TCC recipient receives one of those programs.

Benefits will automatically terminate, without an advanced 10-day notice when:

1. a review is not completed.
2. employment ceases;
3. the last eligible child reaches the age of 13 (subject to exception See "EXCEPTION TO GENERAL RULE") ;
4. the last eligible child leaves the home;
5. the TCC family is determined to be income ineligible.

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TRANSITIONAL CHILD CARE (cont.)

If the employed household member loses a job for good cause as defined in the ASPIRE-TANF plan but secures another job prior to the reopening of a TANF grant, the family remains eligible for TCC.

If a TCC recipient's hours are reduced and the recipient then reapplies for TANF, the recipient may continue to receive TCC until ASPIRE can pick-up the cost of child care. There must not be a duplication of receipt of child care subsidies.

Provider Check:

The Department shall to its satisfaction complete a background check upon every child care provider selected by a TCC recipient before it will release any state or federal TCC funds for payment to that provider

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Reference

TRANSITIONAL MEDICAID:

GENERAL RULE: Depending on the reason for closing, the assistance unit may be eligible for extended Medicaid coverage. Eligibility for Medicaid is determined separately.

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TRANSITIONAL TRANSPORTATION

GENERAL RULE: Transitional transportation is available for up to 12 months to those members of the household who have obtained employment while a participant, and who have become ineligible for TANF or PaS solely as a result of:

1. an increase in earned income or hours of work;
2. for TANF/UP only, an increase in the number of hours worked by the PWE to more than 130 hours per month; or
3. for TANF/IC only, an increase in the number of hours worked by the individual who had been determined incapacitated to more than 20 hours per week.

NOTE: These provisions do not apply when families become ineligible because of the increased assessment of the excluded stepparent.

NOTE: These provisions do not apply when families with earnings voluntarily withdraw from the program.

APPLICATION PROCESS: Eligibility for Transitional Transportation is determined upon oral or written request prior to TANF or PaS closure. Additionally, individuals will be notified at the time of TANF or PaS closure of the possibility of transportation reimbursement and of the necessity to contact their worker within 30 days of the notice, if interested.

Good cause for failure to request this transportation reimbursement timely may be one of the following reasons:

- a. Mail delay;

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Reference

TRANSITIONAL TRANSPORTATION (cont.)

- b. Reported change of address too late in the preceding month for data processing changes for mailing;
- c. The 30 day period falls on a weekend or a holiday. In this instance the due date becomes the next working day;
- d. Planned absences previously reported;
- e. Circumstances beyond the control of the responsible relative.

The first month of ineligibility is the month following the last month in which the family **received** a TANF or PaS payment. The TANF or PaS family will be eligible for up to four (4) payments to cover employment related travel expenses for three month periods directly following closure of the TANF or PaS benefit as long as the family continues to be employed and remains off the TANF Program.

NOTE: Bureau Staff assumes the family remains employed and ineligible for TANF as long as they remain off TANF.

PAYMENT: Payment is made in the third month of each of the four 3-month periods, at the rates listed below.

Full reimbursement at 24 cents per mile up to \$10 per day will be provided to families where gross earnings of the TANF or PaS household are equal to or less than 125 percent of the Federal Poverty Level. Whatever the mode of transportation, an allowance will be paid as long as a transportation expense is incurred. The allowance will be equal to the rate per mile times the number of miles traveled up to the daily cap.

NOTE: Payment is for the most direct route to and from the place of employment.

Mileage will include trips to a child care provider and to the home of car pool passengers.

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FS Cross
Reference**TRANSITIONAL TRANSPORTATION (cont.)**

Fifty percent reimbursement at 12 cents per mile up to \$5 per day will be provided to families where gross earnings of the TANF or PaS household are 126 through 185 percent of the Federal Poverty Level. The allowance will be equal to 12 cents per mile times the number of miles traveled up to the daily cap.

Twenty-five percent reimbursement at 6 cents per mile up to \$1 per day will be provided to families where gross earnings of the TANF or PaS household are equal to or exceed 186 percent of the Federal Poverty Level (FPL). [See FPL Chart in the Appendix]

NOTE: Payments in months 6, 9, and 12 are the same as month 3, unless the family reapplies for TANF. In this instance, the benefit will be adjusted to reflect the actual number of days worked.

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777-1

FAIR HEARINGS/ADMINISTRATIVE HEARINGS

GENERAL RULE: A TANF or PaS household has an opportunity for a fair hearing when it disagrees with actions affecting their benefits. Any request for a hearing must be made within 30 days of the date of action. The Department may waive time limits. Requests for hearings may be made orally or in writing at the Regional Office or at the Central Office. All decisions of fair hearing officers are binding on the Department with the exception of cases involving an Order of Reference in which case the Commissioner reserves the right to make the final decision.

NOTE: Individuals who are dissatisfied with any action will upon request be given the opportunity to discuss their case with the immediate supervisor. The household will be advised that this meeting with the supervisor is optional and will not delay or replace the fair hearing. The basis for this meeting will be a review of the case situation to determine any available resolution of the problem.

Time Limits on Hearings

The 30 day time limit on requesting a hearing may be extended at the discretion of the Department for one of the following reasons:

1. the recipient has registered a prior complaint on the same action
2. the recipient was unable to request earlier due to circumstances beyond their control

The decision to extend the request deadline is made by the Administrative Hearings Unit. A fair hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients (mass changes) unless the reason for the request is incorrect budget computation.

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Reference

FAIR HEARINGS

The Department has 60 days from the date of the initial request to hold the hearing, render the decision and notify the household. Decisions will be implemented promptly.

NOTE: When an Order of Reference is requested the time period is extended to 90 days (See Administrative Hearings Manual, Chapter VI, Section B, page 5).

NOTE: There may also be an extension of this 60 day time limit in the instance when a continuance is requested.

Departmental Responsibilities on Hearing Requests

1. Provide documents and records requested by the individuals or their representatives,
2. Advise the individual that they may present their own case or may have the aid of others including legal counsel,
3. Advise the individual of legal services available.
4. Provide the individual with adequate opportunity to:
 - a. examine the contents of the case file and all documents and records to be used by the Department at the hearing at a reasonable time before the date of the hearing as well as during the hearing,
 - b. present witnesses in their own behalf,
 - c. subpoena witnesses,
 - d. establish pertinent facts,

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Reference

FAIR HEARINGS (cont.)

- e. advance any arguments without undue interference,
- f. confront and cross-examine adverse witnesses.

Denial/Dismissal

The Administrative Hearings Unit cannot deny or dismiss a recipient's or applicant's hearing request unless:

1. the request is not received within 30 days of the action;
2. the request is withdrawn by the individual or their representative in writing;
3. the individual or their representative fails to appear at the scheduled hearing, and does not present evidence that their absence was beyond their control;
4. the request is where the sole issue is one of State or Federal law requiring automatic grant adjustments for classes of recipients.

Continuation of Benefits

When a TANF or PaS household requests a hearing within 10 days of the date of the termination or reduction notice, benefits will be restored to the immediate prior amount unless the household waives restoration of benefits.

The continuation of benefits may be terminated if the hearings officer decides the sole issue is one of policy or if other changes occur which effect the grant following the request for a hearing.

When the hearing request is not made within 10 days, benefits must be reduced or terminated, as stated in the notice.

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Reference

FAIR HEARINGS (cont.)

Notification of Hearing

The time, date and place of the hearing must be arranged taking the convenience of the household into consideration. Written notice must be provided at least 10 days prior to the hearing. The notice shall:

1. give the time, date and place of the hearing;
2. give the address and telephone number of the Administrative Hearings Unit;
3. explain that the request shall be dismissed if the household or its representative fails to appear without good cause;
4. include the hearing procedures;
5. include the purpose of the hearing;
6. include the rights to present evidence, cross-examine opposing witnesses, be represented by legal counsel, to subpoena witnesses, and to have the hearing rescheduled or continued for good cause;
7. include the rights to judicial review under Maine Rule 80C if dissatisfied with the results of the hearing.

Consolidation of Hearings

TANF and PaS Administrative Disqualification Hearings may be combined with a fair hearing or a Food Stamp Disqualification Hearing, when the factual issues arise out of the same or related circumstances, and the individual receives prior notice that the hearings will be combined. If hearings are combined, the time frames for conducting Administrative Disqualification Hearings will be followed unless the household waives the 30 day notice requirement for a disqualification hearing. (Explained under Intentional Program Violation.)

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Reference

FAIR HEARINGS (cont.)

The Hearings Officer

Hearings are conducted by a Department hearing officer. The hearing officer:

1. administers oaths to all witnesses;
2. ensures that all relevant issues are considered;
3. requests, receives, and makes part of the record, all necessary evidence;
4. regulates the hearing consistent with due process;
5. records proceedings for filing;
6. renders a decision based on evidence or testimony presented.

Attendance At the Hearing

The hearing must be attended by a representative from Eligibility Staff as well as a representative from the agency responsible for the action under appeal, if different. Participation could involve representation from ASPIRE-TANF or DSER. There must also be at least one TANF or PaS household representative or the request for a hearing will be considered abandoned by the assistance unit.

Household's Rights:

1. The TANF or PaS household will be given an opportunity, upon request, to examine all evidence at a reasonable time before the hearing, as well as at the hearing. The contents of the case file will be made available.

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Reference

FAIR HEARINGS (cont.)

EXCEPTION: The following will not be disclosed:

- a. names of persons who have provided information about on the household and want to remain anonymous;
 - b. information pertaining to pending criminal prosecution;
 - c. information that is protected from release, such as IEVS information.
2. They may present the case itself or have it presented by legal counsel or other person.
 3. They may bring witnesses.
 4. They may advance arguments without undue interference.
 5. They may submit evidence to establish all relevant facts and circumstances in the case. (When the hearing involves medical issues, a medical assessment other than that of the person involved in the original decision may be requested by the household at the expense of the agency.)
 6. They may subpoena witnesses.

The Hearing Decision

The decisions of the Hearings Unit must comply with Federal and State law and regulations, and be based on the hearing record. This record must be available, upon request, to the TANF or PaS household or its representative at any reasonable time for copying and inspection at no cost to the client.

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FAIR HEARINGS (cont.)

Decisions of hearings officers are binding on the Department with the exception of cases involving an Order of Reference where the Commissioner reserves the right to make the final decision.

Within 5 days of the decision by the hearing officer, a copy of the decision, its basis, and the TANF or PaS household's rights to judicial review under Maine Rule 80C, will be mailed to the client.

In situations where the benefits have been continued at the previous level and the decision is that the Department was correct in its action, an overpayment will be established for the additional benefits received from the date of the change to the date of the adjustment after the hearing.

In situations where the benefits have not been continued at the previous level and the decision is that the Department was not correct in its action, a corrective payment shall be made for the period specified in the hearing decision.

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Reference

TYPES AND METHOD OF PAYMENTS

GENERAL RULE: The TANF, PaS and RCA benefits will be issued using one or more of the following methods:

1. Direct Deposit (DD) System
2. Electronic Benefit Transfer (EBT) System
3. Checks

Beginning April 1, 2003, Cumberland and York County applicants and recipients will have their benefits delivered by an electronically coded debit card known as The Pine State Card, unless the applicant or recipient elects to have their TANF, PaS or RCA benefits electronically deposited directly into a personal bank account. The rest of the state will participate in the EBT system beginning June 1, 2003 or shortly thereafter. See Page 35 for details on delivery of benefits by EBT.

When an applicant or recipient asks the Department to send a portion of a benefit to a vendor, such as a landlord, on the applicant's or recipient's behalf, the vendor payment will be sent by check.

A creditor cannot attach any portion of the TANF, PaS or RCA payment, regardless of the method of delivery.

A regular payment is unrestricted and gives the individual the right to be responsible for and free to select, purchase and pay for goods and services.

A restricted payment gives the agency permission to direct payment to a 3rd party. Restricted payments are limited to:

1. Vendor Payment: a TANF or PaS payment made directly to a landlord, a utility, or an other vendor of goods and services. Requests for vendor payments must be made in writing by the recipient. The agency will confirm in writing to the recipient when and where payment(s) will be sent. A request for change must come from the recipient.

EXCEPTION: While most vendor payments are voluntary payments which are requested by the recipient, minor parent or pregnant minor must receive TANF or PaS benefits in the form of vendor payments unless they are married minors living with spouses. In these cases, the minor parent or pregnant minor will receive direct TANF or PaS payments.

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Reference

TYPES AND METHOD OF PAYMENTS

These mandatory monthly vendor payments will pay for rent and utility payments first.

When a request for a vendor payment or a change in vendor payment is received by the 10th, it is effective the next month. Requests received after the 10th are effective not later than the month following the next month's payment.

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Reference

TYPES AND METHOD OF PAYMENTS (Cont.)

A vendor payment will not be authorized when the requested payment is more than the grant amount. When a vendor payment is less than the grant amount the balance will be sent to the recipient unless the recipient is a minor parent described at item 2. b.

NOTE: When either the vendor payment or the payment to the third Party payee is less than \$5, they must be adjusted to comply with State law requiring a \$5 minimum for all checks issued.

2. Protective payment: a TANF or PaS payment made to a guardian, conservator, or other third party on behalf of a recipient. (Third party payee.) The 3rd party payee is responsible for the accounting of the disbursement of funds to the agency.

A protective vendor payment shall be made when:

- a. there is non-compliance with ASPIRE-TANF or DSER. The agency have final approval in the selection of a third party payee. (See ASPIRE-TANF policy at Chapter II, and DSER policy at Chapter II .)
- b. a minor parent or pregnant minor is head of the TANF or PaS household. No TANF or PaS benefit will be sent directly to the minor parent or pregnant minor. **All** TANF or PaS benefits will be sent in the form of a voucher/vendor payment:
 - ☐ shelter payments are sent directly to vendors.
 - ☐ utility payments (preferably a standard payment plan) are sent directly to vendors.
 - ☐ balances remaining are sent to third party protective payees who must manage and use the money on behalf of the minor parent and their children.

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Reference

TYPES AND METHOD OF PAYMENTS (cont.)

In situation b, the agency will have final approval in the selection of a third party payee. The payee must be a responsible adult who can make responsible financial decisions. Additionally, the payee must agree to demonstrate to the agency (at any time) how the protective payments have been spent on behalf of the minor parent and their children.

- c. there is a court appointed guardian or conservator. The Eligibility Worker is responsible for referring to the Bureau of Child and Family Services reports of persistent mismanagement of the TANF or PaS payment which threatens the health and safety of a child. Children not properly fed, clothed, sheltered or other lack of care is evidence of mismanagement. This referral process may lead to court action resulting in the appointment of a guardian or conservator.

Prior to the effective date of the intended change, the recipient must be notified in writing.

Procedure for Payment to a Vendor/Protective Payee

The third party payee name, address and amount will be entered into the computer.

The check will be paid to the order of the third party payee on behalf of the client. The stub must reflect this information.

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Reference
888-1-5

INCOME AND ELIGIBILITY VERIFICATION SYSTEM (IEVS)

SUBJECT: Types of Information Required and Source Agencies

GENERAL RULE: Federal regulations require that each state maintain and use an Income and Eligibility Verification System (IEVS). Wage and benefit information is requested from the following sources:

1. Wage information maintained by the Maine Employment Security Commission (MESC);
2. Information about net earnings from self-employment, wages, and payments of retirement income maintained by the Social Security Administration (SSA) - "BEERS";
3. Federal retirements and survivors, disability, SSI and related benefit information available from SSA - "BENDEX" AND "SDX";
4. Unearned income information from the Internal Revenue Service (IRS);
5. UIB claim information from MESC.

Information will be requested from the appropriate agencies about members of the household as follows:

1. Quarterly, from MESC on wages. Such requests must include all assistance units which participated in any month of the corresponding quarter.
2. Monthly, from SSA data bases and not later than the second month of the eligibility period.
3. Annually, from IRS for all current recipients. This request must be made as soon as practicable after the latest year's data is available from IRS.

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Reference

INCOME AND ELIGIBILITY VERIFICATION SYSTEM (IEVS)

4. Weekly, from MESC on UIB benefits for all participating assistance units.

Verification: Action must be taken without independent verification based on Social Security and SSI benefit information from SSA and UIB information from the Maine Employment Security Commission obtained through IEVS. This information is considered verified upon receipt.

NOTE: When it appears that the IEVS information about a particular household is questionable, the information must be considered unverified and must be independently verified before taking action to terminate, deny, or reduce benefits. Such unverified information is:

1. unearned income from IRS;
2. wage information from the Maine Department of Labor and SSA (BEERS);
3. questionable information as noted above.

Verification shall be obtained by means of contacting the household and/or the appropriate asset or income source.

The household must be informed in writing of the information the Department has received.

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INCOME AND ELIGIBILITY VERIFICATION SYSTEM (IEVS)

Worker Responsibilities

GENERAL RULE: Case action on IEVS information about recipient households must be complete within 45 days of receipt of that information.

Case action includes:

1. Review of the information, and comparison of it to information in the case record.
2. For all new or previously unverified information received, contact with the household and/or the appropriate assets or income source to resolve discrepancies.
3. When discrepancies warrant, action to begin reduction of benefits or termination of eligibility (advance notice sent).

888-5

Appropriate case action and dates must be noted on the IEVS document and filed in the case record with the exception of documents containing IRS information. All documents generated from IRS source data must be destroyed once case action is completed. A master file of IRS documents will be maintained at Quality Control. BEERS data contains IRS information and is subject to the same security.

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Reference

OVERPAYMENTS

777-3

GENERAL RULE: When ever federal, state, or support money is issued incorrectly as a result of an agency or client error, an overpayment shall be calculated for each month federal, state or support money was misdirected. The amount of the overpayment is the difference between what was received and what should have been received.

Misdirected federal, state, and support money includes, but is not limited to, benefits issued as:

- Temporary Assistance to Needy Families (TANF)
- Parents as Scholars (PaS)
- Refugee Cash Assistance (RCA)
- Alternative Aid Assistance (AAA)
- Emergency Assistance (EA)
- Transitional Child Care (TCC)
- ☐ TANF of PaS Child Care Disregard
- ☐ TANF or PaS Child Care Support Services
- Transitional Transportation (TT)
- Pass Through (Pass Thru)
- TANF Supplemental Payment (GAP)
- Excess Child Support (also, alimony, childcare)
- ASPIRE Support Services
- Other money issued

Whenever there is a TANF or PaS recalculation, the Eligibility worker shall consider the possibility of a TANF Supplement GAP overpayment.

NOTE: A TANF or PaS overpayment due to a recipient keeping child support shall be calculated minus the Pass Thru.

NOTE: When it appears that an overpayment resulted from a willful client error, the Eligibility Worker must proceed with steps described in Intentional Program Violation.

When overpayments are due to incorrect Pass Thru, Excess Child Support or Alimony payments (Excess over), or other misdirected payments (payment to the wrong person), the Eligibility Specialist will be notified by DSER/Staff.

When overpayments are due to incorrect ASPIRE , Support Services, or other misdirected payments, the Eligibility Specialist will be notified of the overpayment amount by ASPIRE Staff.

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It is the Eligibility Specialist's responsibility to correct errors relating to all misdirected federal, state, or support monies. The Eligibility Specialist must attempt to recover overpaid money from the recipient by sending notice which explains the cause of the overpayment a choice on how the overpayment can be repaid, and the right to a hearing.

NOTE: All types of overpayments are subject to adequate noticing which includes fair hearing rights.

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777-3 (con't)

OVER PAYMENTS

NOTE: Repayment shall take place through direct payment or benefit reduction and will be recovered from:

- any assistance unit which was overpaid,
- any assistance unit of which a member of the overpaid assistance unit has subsequently become a member, or
- any individual members of the overpaid assistance unit whether or not currently a recipient. See exceptions for minors below.

Priority for Recovering Overpayments

1. The agency is required to first seek recovery from the caretaker relative who was a member of an overpaid assistance unit (or the caretaker relative's current assistance unit).
2. If the caretaker relative and all other adults of an overpaid assistance unit cannot be located, are deceased, were not a member of the overpaid assistance unit, or have had the overpayment discharged in bankruptcy, the agency must seek recovery from other members of the overpaid assistance unit. See exceptions to minors below.

Other

The Federal Government requires the collection of AFDC (Aid to Families with Dependent Children) overpayments before TANF overpayments.

Exceptions to Collecting Overpayment from Minors

AFDC overpayments occurring prior to 10/01/96: An AFDC overpayment must be collected from any individual, including a minor, who was in the household at the time the overpayment accrued. **However, the Department will only collect AFDC overpayments from former AFDC minor dependents when the former AFDC minor receives federally funded public assistance as an adult.**

All other overpayments: Overpayments, other than AFDC overpayments occurring prior to 10/01/96, must not be collected from individuals who were a minor dependent in the household at the time the overpayment accrued.

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Reference

Recovery

Overpayments, regardless of their cause, must take place over as short a period of time as possible without recovering more than the maximum recovery amount. The maximum recoupment of overpayments from a recipient eligible for maximum TANF or PaS payment is 10% of the payment standard, and for those eligible for less than the maximum TANF or PaS, 30% of the payment standard.

Basic Grant for Assistance Units: (adult included)

	1	2	3	4	5	6	7	8
10%	23	36	48	61	73	85	98	110
30%	69	108	144	183	219	255	294	330

Basic Grant and Special Needs for Assistance Units: (adult included)

	1	2	3	4	5	6	7	8
10%	33	46	58	71	83	95	108	120
30%	99	138	174	213	249	285	324	360

Special Needs Only:

10%	10
30%	30

Recoupment of overpayments will be made by direct repayment or through a reduction in the amount of TANF or PaS benefits.

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OVER PAYMENTS (cont.)

NOTE: Households can pay faster than the 10% or 30% rate by written request.

NOTE: An Eligibility Worker's decision to recover overpayments at a rate of less than the maximum amount must be explained clearly in the case record.

NOTE: When the recoupment of an overpayment reduces an TANF or PaS payment to under \$5, the amount of the recoupment must be adjusted to comply with State law which requires a \$5 minimum on checks issued.

If an applicant with an outstanding overpayment becomes eligible, recoupment must take place considering the current payment amount.

Recovery on Closed Cases

When a case is closed and there is an outstanding overpayment, there must be an automatic referral to Fraud, Investigation and Recovery (FIR) staff who will contact the former recipient regarding an agreement to repay. FIR may also attach State Income Tax returns to offset the remaining debt.

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777-2

INTENTIONAL PROGRAM VIOLATION

GENERAL RULE: A determination of an intentional program violation (IPV) is made either through a court of law or a hearing process. The hearing process is known as an Administrative Disqualification Hearing (ADH). Sanctions are imposed on individuals found to have committed an IPV.

Definition

An IPV is an action by an individual for the purpose of establishing or maintaining the family's eligibility for TANF, PaS or any other Bureau program or service such as, Emergency Assistance, Alternative Aid Assistance, Transitional Childcare, Transitional Transportation, ASPIRE support services and any other misdirected money, for increasing or preventing a reduction in the amount of the grant, which stem from the following intentional act:

1. false or misleading statements or misrepresentations, concealment, or withholding of fact, or

EXAMPLE: An individual intentionally states no income on an application, review or change report form when there is income in his household.

2. an act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

EXAMPLE: An individual gets a baby-sitter to lie about the amount of child care expense.

EXAMPLE: An individual signs a forgery affidavit requesting that an TANF OR PAS check be replaced when they signed and cashed the original.

Pre-hearing Review and Initiating an ADH

The Department must review the evidence at hand to determine if an allegation that an individual has committed an IPV is valid. When the Eligibility Specialist believes that documentary evidence substantiates the allegation, the Eligibility Specialist should:

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INTENTIONAL PROGRAM VIOLATION (cont.)

1. initiate an Administrative Disqualifications Hearing, and
2. correct the on-going benefits when they are wrong.

NOTE: Continued eligibility and benefit level must be determined as for any other household pending the hearing.

NOTE: A fair hearing request resulting from the benefit adjustment can be combined with the ADH. See Consolidation of Hearings.

NOTE: Collection activities on overpayments do not begin until a determination has been made as to whether or not an IPV has occurred. See Absence of IPV and Finding of IPV.

Non-Referrals

When the following situations occur, do not refer suspected IPV to an ADH:

1. a prior alleged IPV referral is at the Attorney General's office,
2. a case has been through the court system and was dismissed or determined not guilty, or
3. the alleged IPV occurred prior to 10/4/93 and did not continue thereafter.

NOTE: Alleged Intentional Program Violations occurring on 10/4/93 and thereafter can be referred to an ADH even when the alleged IPV began prior to that date.

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INTENTIONAL PROGRAM VIOLATION (cont.)

Time Limits

The Department has 90 days from the date the hearing notice is received to hold the hearing, render the decision, and notify the household. However, failure to comply with this time limit will not bar a finding that the person committed an IPV.

Scheduling of the ADH

Written notice to the person accused of the violation must be mailed at least 45 days in advance of the scheduled hearing in order to assure that the notice is received 30 days prior to the hearing. The notice, a copy of the hearings procedures, and the opportunity to waive the right to a hearing is mailed "CERTIFIED/RETURN RECEIPT REQUESTED/RESTRICTED DELIVERY"

The notice must contain:

1. The date, time, and place of hearing.
2. The charges against the individual believed to have committed the IPV.
3. A summary of the evidence, and how and where it can be examined.
4. A warning that if the accused individual fails to appear for the hearing without good cause, the decision will be based on the evidence provided by the Eligibility Worker at the hearing.
5. A statement that the accused individual may request a postponement of the hearing provided that the request is made to the Administration Hearings Unit at least 10 days prior to the date of the scheduled hearing.

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INTENTIONAL PROGRAM VIOLATION (cont.)

If the individual fails to appear and later requests that the hearing be rescheduled, they must present good cause for failure to appear within 10 days of the date of the hearing.

6. A warning that if the hearing decision determines that an intentional program violation has occurred, a disqualification period will be imposed according to the appropriate schedule on page 28 of this chapter.
7. A statement that the State may still prosecute the household member in civil or criminal court action and collect the overissuances.
8. A listing of individuals or organizations that provide free legal representation to individuals alleged to have committed an IPV.
9. A statement that the accused individual has the right to remain silent concerning the charges and that anything said or signed by the individual concerning the charges may be used in a court of law.
10. An explanation that the accused individual may waive their right to appear at an ADH. (See Waiver.)

Returned Notice

When the notice is returned marked "undelivered" or accepted by someone other than the addressee, personal service shall be arranged by any other method which provides proof of receipt at least 30 days to the hearing.

(This means that the local DHS office must request that the ADH be rescheduled allowing another 45 days.)

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INTENTIONAL PROGRAM VIOLATION (cont.)

NOTE: A personal service restricts delivery of the notice to the addressee and guarantees proof of receipts. Examples include:

1. Certified Mail with "Return Receipt Requested and Restricted Delivery".
2. Delivery by a Sheriff's Department with "Return Receipt Requested and Restricted Delivery".
3. Delivery by a Detective Agency with "Return Receipt Requested and Restricted Delivery".

When the notice is returned marked "refused", it must be assumed that the addressee received notice.

Failure to Appear

Should the accused individual fail to appear at the hearing, and the notice was received or refused at least 30 days prior to the hearing date, the hearing will still be conducted. The hearing officer will base the decision on the evidence presented by the Department.

When an individual fails to appear at the scheduled hearing, but notifies the Administrative Hearing Office of the reason for not attending not more than 10 days after the hearing date, they may claim good cause for the failure to appear.

Good cause for failure to appear is defined as an emergency circumstance that is beyond the control of the individual and that prevents the individual from being able to appear at the hearing.

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INTENTIONAL PROGRAM VIOLATION (cont.)

NOTE: The following situations do not constitute good cause:

1. Forgetting about the hearing
2. Lack of transportation, unless the lack of transportation was the result of an emergency situation such as the individual's vehicle breaking down on the way to the hearing.

Postponement of Hearing

An individual may request a postponement of the scheduled hearing if the request is made to the Administrative Hearing Office at least 10 days in advance of the scheduled hearing.

Only the Hearing Officer is authorized to postpone a hearing. When the hearing is postponed, the time limits for processing will be extended for the number of days between the initial scheduling and rescheduling not to exceed 120 days.

Withdrawal of the Request for an ADH by the Department

When, at any time prior to the date of an Administrative Disqualification Hearing, the Department feels that there is insufficient evidence on which to conduct a hearing, the Administrative Hearings Officer and the individual should be contacted immediately to notify them that the hearing has been canceled and that the case had been administratively withdrawn.

Consolidation of Hearings

Bureau Program or Service Administrative Disqualification Hearings may be combined with a fair hearing or a Food Stamp Disqualification Hearing, when the factual issues arise out of the same or related circumstances, and the individual receives prior notice that the hearings will be combined. If hearings are combined, the time frames for conducting Administrative Disqualification Hearings will be followed unless the household waives the 30 day notice requirement for a disqualification hearing.

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INTENTIONAL PROGRAM VIOLATION (cont.)

Waivers

When a waiver of the right to an Administrative Disqualification Hearing (ADH) is signed by the individual, the appropriate disqualification penalty is imposed, even when there is no admission to the charges.

The waiver notice contains the following information:

1. The date by which the signed waiver must be received by the local office of the Department.

NOTE: This date is the date of the hearing. This allows individuals to waive their right to an ADH at the hearing.
2. A blank for the signature of the accused individual and the head of household along with a statement that the head of household must also sign if the accused is not the head of household.
3. A statement that the individual has the right to remain silent concerning the charges and that anything said or signed by the individual concerning the charges may be used in a court of law.
4. The fact that the signed waiver will result in disqualification for the appropriate period of time even if the individual does not admit to the charges.
5. An opportunity for the person either to admit the charges or to waive the hearing without admitting to the charges.

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INTENTIONAL PROGRAM VIOLATION (cont.)

The Administrative Disqualification Hearing

The Eligibility Worker (or Supervisor when the Eligibility Worker is absent) is responsible for representing the agency at the hearing.

The individual accused of IPV or a person they designate in writing to represent them may review the case record and/or represent them at the hearing. The statement designating the representative must be kept in the case record and a copy must be forwarded to the Administrative Hearing Office. The designated representative will receive a copy of all correspondence regarding the hearing proceedings.

During the hearing, the individual has the right to:

1. examine the contents of the case record which includes all documents and records to be used by DHS at the hearing.
2. bring witnesses to present testimony on their behalf during the hearing.
3. present their case or have it presented by legal counsel or other person.
4. advance arguments without undue interference.
5. question or refute any testimony or evidence including the opportunity to confront and cross examine adverse witnesses.
6. submit evidence to establish all pertinent facts and evidence in the case.

Conducting of the Hearing

The Hearing Officer will conduct the hearing in accord with the pertinent statutes and regulations. The Hearing Officer will:

1. administer the oath to all witnesses who will present testimony.

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INTENTIONAL PROGRAM VIOLATION (cont.)

2. request, receive, and make part of the record all evidence determined necessary to decide the issues being raised.
3. insure that an unrepresented individual feels at ease and assist in presenting facts relevant to his/her defense.
4. advise the accused individual of his/her right to refuse to answer questions during the hearing.
5. regulate the conduct and course of the hearing consistent with due process to insure an orderly hearing.

Standard of Evidence

The Department will present evidence that the individual:

1. made a false or misleading statement or misrepresentation, concealed facts, or withheld facts, or acted with the intent to mislead, misrepresent, conceal, or withhold facts or propound a falsity,
2. did it intentionally, and
3. did it in order to receive Program or Service benefits to which they were not entitled.

Decision

The Hearing Officer shall, based upon clear and convincing evidence in the hearing record, issue a written decision stating whether or not the accused individual knowingly committed an IPV, specify the reasons for the decision, and identify the supporting evidence and regulations as defined earlier in this chapter.

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INTENTIONAL PROGRAM VIOLATION (cont.)

Notice of ADH Decision

The Administrative Hearings Officer will issue a decision within 90 days of the date of the notice scheduling the ADH unless the hearing has been rescheduled and the time frames extended. The Administrative Hearings Officer will send a copy to the local DHS office.

Absence of IPV

When the AHO determines the facts do not support an IPV or a court determines the client is not guilty, the Eligibility Worker:

1. enters the overpayment on the computer, and
2. follows procedures for collection as a client unintentional error (or agency error).

Finding of IPV

When the AHO determines that an IPV occurred, the Eligibility Worker:

1. refers the case to the Fraud Investigation and Recovery (FIRU) for collection of the overpayment and for potential prosecution by entering the overpayment on the computer as an intentional error,

NOTE: When the AG's office considers a case for prosecution, Eligibility staff will be asked to recompute the overpayment allowing work related disregards because the courts do not recognize the sanctions. The Department will recover both the court-ordered overpayment and the additional overpayment which results when sanctions are applied.

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INTENTIONAL PROGRAM VIOLATION (cont.)

2. provides the client with written notification of the Disqualification sanctions before they are imposed, and the disqualification notice will note the date the Disqualification period begins and ends, and
3. imposes the sanctions, and
4. establishes the overpayment.

Disqualifying Sanctions/Penalties

The following periods of Disqualification will be imposed against the individual who committed the violation:

If the offense occurred before 9/1/97:

1. Six months for the first violation.
2. Twelve months for the second violation.
3. Permanently for the third violation.

If the offense occurred on or after 9/1/97:

1. One year for the first violation
2. Two years for the second violation
3. Permanently for the third violation

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NOTE: Sanctions will always begin no later than the second month following the date the household member is sent written notification of the hearing decision or a waiver to forfeit an administrative hearing is signed. The disqualification period for individuals determined to have committed a program or service intentional program violation will not be postponed when households are ineligible for benefits.

Actions taken as the result of an IPV require adequate and timely notices.

The sanctioned individual's needs will not be included in the standard of need when determining eligibility and amount of assistance for the remaining family members.

The sanctioned individual's income and assets will be considered. The following disregards will be applied to the income:

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INTENTIONAL PROGRAM VIOLATION (cont.)

1. an amount equal to the standard of need for the support of any non-categorically eligible individuals living in the same household and claimed by the sanctioned parent as dependents for IRS purposes;
2. any actual payments of alimony or child support to persons not living in the home;
3. any actual payments being paid by the sanctioned parent to individuals not living in the home, but who are claimed or could be claimed as dependents for IRS purposes.

Duration of Penalty

No further administrative appeal procedure exists after an Administrative Disqualification Hearing decision finds an IPV. The determination of IPV made by an ADH Officer cannot be reversed by a fair hearing decision.

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INTENTIONAL PROGRAM VIOLATION (cont.)

The individual, however, is entitled to seek relief on the findings of IPV in a court having appropriate jurisdiction, but in no event shall the duration or the period for which such penalty is imposed be subject to review by the Hearing Officer.

Applicability of Penalty

A disqualification penalty imposed on an individual by one IV-A State agency may be used in determining the appropriate Disqualification penalty for the individual by another IV-A State agency. When an individual with a prior violation moves from one state to another and has been found to have committed an Intentional Program Violation, the Department will impose the penalty based on the number of such violations committed in other states.

In cases where a Disqualification penalty and other sanctions or penalties apply:

1. The Disqualification penalties in this section must be imposed subsequently to, and cannot be substituted for, any other sanctions or penalties which may be imposed by law for the same offenses; and
2. The Disqualification penalties imposed under IPV only affect the individual concerned. Other members of the Assistance Unit cannot be substituted. .

Collection of the Overpayment

There is no distinction between collections of intentional overpayments or unintentional overpayments. Refer to the Overpayments section for procedures.

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UNDERPAYMENTS:

GENERAL RULE: Underpayments are benefit or service payments issued for less than the amount the assistance unit should have received.

The Department shall take action within 30 days from when the underpayment becomes known to correct the payments to current or former clients. The corrective payment shall not be counted as income or asset in the month it is received nor in the month following its receipt.

Corrective payments are a means of rectifying an agency error, delay, or as a result of court order. They are not made when the client fails to notify the agency of changes.

Corrective payments shall be made for a the entire period of error.

NOTE: If an assistance unit has both an underpayment and an overpayment one shall be offset against the other before issuing a corrective payment.

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Lost, Stolen, Destroyed or Forged Checks

GENERAL RULE: When a recipient reports a check has been lost, stolen or destroyed prior to cashing, the Department has the responsibility to replace it with reasonable promptness. In the instances when there is reason to believe there has either been a forgery or duplicate checks have been received and cashed by the recipient, the following procedures have been established.

Lost, Stolen or Destroyed

1. The worker checks the returned check list on or after the 12th of the month. If the check has been returned to the Division of Financial Services then the address is corrected by the Eligibility Worker on the computer and the Worker requests is made for remailing.
2. If the name is not on the returned check list, the Worker does the following:
 - a. Completes a SWIM-050 (Stop-Payment). The original is sent to the Division of Financial Services. The copy is for the record.
 - b. Completes a SWIM-051 (Application for a Duplicate Check). The original is sent to the Division of Financial Services. The copy is for the record.

NOTE: Both the SWIM-050 and the 051 are sent to the Division of Financial Services together.

Forgeries

When the photocopy of the original check is sent to the worker, the Worker has to meet face-to-face with the recipient to determine whether or not the signature is the recipient's. If the recipient states it is not, then 2 separate original Forgery Affidavits will be completed (SWIM-052), one original is sent to FIR and the second original is sent to Division of Financial Services. A copy is retained for the record. This initiates an investigation to determine who cashed the check.

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Reference

Lost, Stolen, Destroyed or Forged Checks (cont.)

If the recipient agrees that the signature on the original check is theirs, the worker will initiate collection activities or refer for fraud.

Exchanging a Check

When a household presents a mutilated check which a bank refuses to cash, the worker will take the following steps:

1. Complete a SWIM-050 (Stop Payment).
2. Complete a SWIM-051 (Application for a Duplicate Check).
3. Void the mutilated check.
4. Forward the original forms and the mutilated check to the Division of Financial Services. A copy is retained for the record.

Agency Error/Emergency Situation

When TANF or PaS grants are reinstated after check selection because of termination caused by an agency error or when a fair hearing is requested timely but after check selection, the following procedure shall be required:

1. Upon request from the recipient the replacement check will be authorized within 3 to 5 working days from the determination that there is an emergency situation. Emergency is defined as follows:
 - a. The TANF or PaS check for the month will likely not be received until after the 5th business day of the month: and
 - b. As a result of the delay the TANF or PaS family may lose basic necessities. For example, the family may:
 1. be evicted from their home (e.g., there is an eviction notice and the grace period in which to pay the rent will expire; or

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Lost, Stolen, Destroyed or Forged Checks (cont.)

2. be in default on a loan because of expiration of the period in which to make a payment on the household's automobile or other installment loan used to purchase a basic necessity; or
3. be faced with the expiration period in which to pay for a necessary utility and as a result the service will be shut off; or
4. suffer because of the inability to purchase a basic necessity.

Basic necessity is defined as shelter (housing and/or utilities), food, clothing, or essential medical care. In these situations, the recipient must be without their own resources to meet the need and there must be not other source of assistance available which is adequate to meet the emergency. These other sources do not include the Emergency Assistance Program or Energy Crisis Intervention Program because they are limited. The recipient shall be required to apply for General Assistance unless receipt of that assistance will require a household member to perform workfare.

When the Worker determines that an "emergency" exists, a request to issue an expedited replacement check will be made through the TANF and PaS Supervisor. The Worker may request verification from the recipient or others that the "emergency" exists. The check will usually be available within 3 to 5 business days after the TANF and PaS Program Director approves the request for expedited payment.

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM

GENERAL RULE: TANF, PaS and RCA applicants and recipients will receive benefits by an electronic coded debit card known as The Pine Tree Card. The card will be used to access benefits from a point of sales (POS) device at retail stores or an automatic teller machine (ATM) at banks.

EXCEPTION: TANF, PaS or RCA participants must participate in the EBT System unless they elect to have their benefits directly deposited in their bank accounts. See details and vendor payment exceptions explained on pages 8-10 of this Chapter.

Basic Rules:

- ☐ Each Assistance Group case head will be issued an EBT Card to access cash benefits.
- ☐ Each Assistance Group will be allowed a maximum of two (2) payees to access cash benefits.
- ☐ The EBT cash benefit account will be non-interest bearing.
- ☐ EBT cash account balances that are not used by the TANF, PaS or RCA recipient in the month of issuance will be carried forward.
- ☐ EBT cash account balances will include both dollars and cents.
- ☐ A recipient cannot use the EBT cash account to borrow against a future month's benefits.
- ☐ Each month's benefit will be available on the first day of each month.

EBT Card and PIN

TANF and PaS recipients will be issued an EBT card and Personal Identification Number (PIN) to prevent other individuals from gaining access to benefits if the card is lost or stolen.

Card holders can make purchases from participating retailers by having their card swiped through a POS device located at the checkout counter. The POS device "reads" a recipient's benefit account balance and, if funds are sufficient, approves the transaction and reduces that balance by the exact amount of purchase. Throughout the month a recipient's balance will decline appropriately until the Department deposits the next month's benefit into the electronic account.

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM (cont.)

Recipients Account Balance

Each time a TANF or PaS recipient makes a purchase, the available cash balance will appear on the receipt.

Recipients can also obtain their cash balance by calling a 24 hour toll free Customer Service Line before shopping. The 800 number is printed on the back of The Pine Tree Card.

EBT Recipient User Fees

Recipients making purchases and cash withdrawals through a POS device will not incur fees.

Recipients making withdrawals or inquiries at ATM's will get two (2) free transactions. All subsequent transactions will cost 65¢ (in addition to the bank's ATM surcharge) and will be subtracted from the cash benefits at the time of the transaction.

If the total of the transaction amount, 65¢ fee, and ATM surcharge is not available in the client's EBT account at the time of the transaction, the transaction will be rejected.

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM (cont.)

Aging TANF and PaS Benefits

The EBT System will send a report to the EBT Manager when benefits have not been accessed for 60 consecutive days. The EBT Manager will send an adverse letter to the recipient family explaining that if benefits are not used within 30 additional consecutive days they will be frozen (become dormant) on the 91st day and will be removed (expunged) on the 181st day.

Benefits can become available between the 91st through 180th day if the Assistant Group contacts their local regional office to request activation. This activity will reset the 60 day counter.

Lost, Stolen or Damaged EBT Card

Clients will report lost, stolen or damaged cards to the EBT Customer Service Help Desk by calling the toll free number, 1-800-477-7428.

EBT Help Desk Staff will “status” the card as lost, stolen, or damaged.

After the EBT Help Desk Staff gets identification to appropriately identify the client, a replacement card will be issued this way:

1. If the client lives at the same address known to DHS/BFI and the client has enough money in the EBT account to pay for the card replacement fee, the help desk will authorize the replacement card, which will be mailed out on the next DHS/BFI business day.

The client can continue to use the same PIN or may change the PIN by using the same toll free EBT Help Desk number, or they may go to a local office.

2. If the client's address has changed or there is not enough money in the client's EBT account to pay for the card replacement fee, the EBT Help Desk will not authorize a card replacement. The client will be told to contact a local office to report the new circumstances. After the client's case record is updated, the client must follow procedures explained in paragraph 1.

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ELECTRONIC BENEFITS TRANSFER (EBT) SYSTEM (cont.)

EBT Card Replacements and Fees

No fee will be charged for either the original card or the first replacement card within a 12-month period.

The following fees will be charged for the second and subsequent replacement cards within a 12-month period:

- ☐ 2nd replacement = \$1.00 fee
- ☐ 3rd replacement = \$2.00 fee
- ☐ 4th replacement = \$3.00 fee
- ☐ 5th replacement = \$4.00 fee
- ☐ 6th replacement = \$5.00 fee
- ☐ Subsequent replacements = \$5.00 fee

The fee must be paid at the time the card is issued. It can be paid by check, money order or through the client's EBT account. Cash will not be accepted.

Card fees can be waived by Program Administrators or their designee when hardships exists.

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REFUGEE CASH ASSISTANCE PROGRAM (RCA)

GENERAL RULE: The Refugee Resettlement Program extends assistance to all persons defined as "refugees" by the Immigration and Naturalization Service provided other eligibility requirements are met. Although this is a Refugee Cash Assistance Program, and is financed by the Federal government from funds other than the TANF block grant. TANF program financial guidelines are used beginning October 1, 2000. (AFDC rules of 7/96 were used through 9/30/00.)

Special Eligibility Criteria:

1. This group does not have to meet all the requirements of the TANF program. They may be eligible on the basis of financial need without regard to family composition or deprivation. However, refugees defined by INS who meet all TANF and PaS criteria must be covered by the TANF or PaS program(s).

NOTE: Single adults, intact families, and childless couples may be eligible as well as a child without parents. One family could have more than one grant. There could be adult children who receive individually while the parents and minor children are included in a separate unit.

2. Eligibility is limited to an 8 consecutive month period beginning with the month of entry into the United States (the land date) for refugees, Cuban and Haitian entrants and qualifying Amerasians from Vietnam. Eligibility for asylees begins with the date that asylum is granted. The time limit is applied to the individual, not the entire unit.
3. In the event some members of an assistance unit meet the 8 month limit prior to others, the amount of the assistance may not take into account the needs of those who have met the limit.

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REFUGEES (cont.)

PAYMENTS:

1. The income standards and payments for refugees are the same as those for TANF.
2. Calculation of benefits is the same as TANF.
3. Cash payments received by the refugee from the Refugee Resettlement Agency under the Department of State or Department of Justice Reception and placement program are treated as excluded income.
4. Assets in the homeland, are not counted.
5. Income and assets of sponsors shall not be counted.

EMPLOYMENT AND TRAINING

1. Job Quit: An employable refugee is not eligible if they have voluntarily quit a job in the 30 days prior to application. However, the remaining family may be eligible. The penalty is for the individual.

NOTE: As a continuing eligibility factor they shall not have quit or refused employment or training for employment.

2. Referral for Employment: Refugees are exempt from ASPIRE-TANF work requirement. A referral is made to the Refugee Resettlement Employment Agency designated by the Department. The RCA participant is required as a condition of receipt of assistance, to participate in employment services within 30 days of receipt of aid. The referral must be signed by the agency prior to granting RCA financial assistance.

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NOTE: Lack of English proficiency is not a reason for exemption from referrals to the Refugee Resettlement Employment Agency.

NOTE: RCA families are not required to attend TANF orientation.

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REFUGEES (cont.)

3. School Attendance: Assistance shall not be paid to refugees who are full-time students in post-secondary education unless this is part of an employability plan that is expected to last no more than 1 year.

Verification Required:

1. Age can be verified via the I-94 card.
2. Relationship can be verified by any documents the refugee can provide such as school records, the word of sponsors, statements from the Refugee Resettlement Agency. The worker shall accept whatever is reasonable.
3. Third-party verification must be sought from the Resettlement Agency or the sponsor regarding relationship, residence and available income.

Documentation Required:

1. The individual, whether a refugee, parolee or asylee must have an I-94 card.
2. A person may enter the United States as a refugee but change status to a resident alien and has an I-151 or I -155. However, they still need to verify the prior status which is usually available via a photocopy of the I-94 card.

Overpayments/Underpayments:

The correction of underpayments and the recovery of overpayment will follow TANF policies described in Chapter VI, except for the budget calculations and asset limits prior to 10/01/00.

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Other Procedures:

The Department will operate its RCA Program consistent with its TANF Procedures with regard to confidentiality rules, timely processing of applications and changes, timely and adequate noticing, and administrative hearings.

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ALIENS

GENERAL RULE: There are several categories of legal aliens, and special rules governing their eligibility for TANF or PaS benefits and the income and assets used to determine their eligibility. Some benefits will be federal funded and some benefits will be State funded.

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1. Aliens sponsored by individuals: A Sponsor is an individual who executes an affidavit of support or similar agreement on behalf of an alien (not the sponsor's child or stepchild) as a condition of the alien's entry into the United States.
 - a. Legally admitted aliens who apply for assistance after September 30, 1981 and before August 22, 1996, will have the income and assets of the individual sponsor and their spouse if living with them, deemed as the unearned income and assets of the alien for three years following their entry into the United States.

NOTE: This rule does not apply to Amerasian immigrants, for whom no deeming is required.

NOTE: Income is not deemed from sponsors and their spouses who receive TANF or PaS or SSI.

To determine monthly income deemed available to the alien from the sponsor and their spouse:

1. Determine the sponsor's and spouse's total monthly earned income (wages, salary, or net earnings from self-employment);
2. Deduct 20% (not to exceed \$175.00);
3. Add the sponsor's total monthly unearned income;

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4. Deduct the full need standard for the sponsor, spouse, and any other dependent people in the home.
5. Deduct any amounts actually paid by the sponsor to people not living the home, but who are claimed as tax dependents by the sponsor;
6. Deduct actual payments of alimony or child support to people not living in the household.

The remainder is considered available income to the sponsored alien.

Assets deemed available to the alien from the sponsor are the total amount of the sponsor's assets (determined as if they were applying for TANF or PaS in their state of residence) less \$1,500.

If a sponsor is liable for more than one alien, the deemed income and assets shall be divided equally among the sponsored aliens.

Income and assets which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family, except to the extent the income or assets are actually available.

- b. Legal aliens who apply for TANF or PaS assistance on or after August 22, 1996 whose sponsor executed a new affidavit of support under Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) will have the gross income and assets of the individual sponsor and their spouse if living with them, deemed as the unearned income and assets of the alien until:
 1. the alien becomes a citizen, or;
 2. the alien earns 40 qualifying work quarters of coverage under the Social Security System.

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ALIENS (cont.)

NOTE: The work quarters of an alien's spouse counts towards their qualifying quarters.

NOTE: The work quarters of parents counts towards a minor's qualifying quarters.

- c. In the absence of an affidavit under PRWORA, deem net income as described under Treatment of a Sponsor's Income and Assets when a non-citizen enters the U.S. prior to August 22, 1996.

To determine monthly income deemed available to the alien from the sponsor and their spouse:

1. determine the sponsor's and spouse's total monthly gross earned income (wages, salary, or net earnings from self-employment. No deductions are allowed.);
2. add the sponsor's total monthly gross unearned income (No deductions are allowed.);
3. the total gross earned and unearned income is considered available unearned income to the sponsored alien.

Assets deemed available to the alien from the sponsor is the total gross equity value of the sponsor's assets.

If a sponsor is liable for more than one alien, the deemed income and assets shall be divided equally among the sponsored aliens.

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ALIENS (cont.)

- d. Exceptions to Sponsor Deeming regardless of a date non-citizen entered U.S.:
 - 1. Battered women and children are exempt from deeming for 12 months (or more if the batterer is the sponsor and the battery or cruelty has been recognized by court or an INS determination) as long as the alien does not continue to reside with the batterer.
 - 2. If an alien would be unable to obtain food and shelter in the absence of assistance, taking into account their own income, then the state must, for a 12 month period, decline to deem the sponsor's income, and instead take into account only that income that the sponsor actually provides.
- 2. Aliens Sponsored by Agencies or Organizations: Legally admitted aliens who apply for assistance after September 30, 1984, who are sponsored by an agency or organization, are ineligible for assistance for three years following date of entry into the U.S., unless the department determines that the sponsoring agency no longer exists or becomes unable to meet the alien's needs.

NOTE: Neither provision 1 or 2 includes refugees, parolees, political asylees, certain Cuban and Haitian entrants, and Amerasian immigrants, unless a sponsor signed a new affidavit of support under PRWORA. In this instance, apply policy at 1b.

**DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Non-Citizen**

FS Cross
Reference

ALIENS (cont.)

Overpayments: Aliens and their sponsors are jointly and separately liable for any overpayment made to the alien during the three years after the alien's entry into the U.S. due to the sponsor's failure to provide correct information, except when the sponsor is without fault or good cause exists or the sponsor signed a new affidavit under PRWORA. When a sponsor signs an affidavit under PRWORA, the duration of joint and separate liability exists until an alien becomes a citizen or the alien earns 40 quarters of coverage under the Social Security System.

3. Lawful Temporary Resident Aliens: Legalized aliens pursuant to the Immigration Reform and Control Act of 1986, are disqualified for TANF or PaS for 5 years as of the date granted lawful temporary resident status. A change to permanent resident status within the 5 year period does not affect the disqualification. There are 3 categories of these. They are:
 - a. Aliens lawfully admitted for temporary residence (LTR's) under Section 245A (Poland, Afghanistan, Ethiopia, and Uganda).
 - b. Special Agricultural Workers (SAW's) under Section 210.
 - c. Replenishment Agricultural Workers (RAW's) under 210A.

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MAINE PUBLIC ASSISTANCE MANUAL
Emergency Assistance

Page 1

LEGAL BASIS: In addition to the basic TANF and PaS programs, the Department of Human Services administers a limited program of Emergency Assistance. The program was originally authorized by the 111th Legislature . In the event of lack of funds as outlined by the Legislature, the program will end.

GENERAL RULE: Payment of services through the Emergency Assistance program is limited to children and their families who are threatened by destitution or homelessness because of emergency situations. The program does not cover all emergencies.

Authorization in the 30 day period may be made for any combination of covered payment or services within the limitations of payment maximums for some services.

The Emergency Assistance program is not a substitute for the locally administered General Assistance program, although it can be a supplement to that program and a potential resource. Eligibility is not dependent upon denial of General Assistance or the complete expenditure of General Assistance benefits prior to application.

There must be a reasonable expectation that the emergency can be alleviated through the use of Emergency Assistance funds.

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TIME LIMITS: Payment of services through EA is limited to those services authorized during the 30 days following the date of initial authorization. Applications for families or individuals may be approved only once during any 12 consecutive month period. The twelve month period begins with the day following the day of the initial approval of Emergency Assistance.

Example: Initial Emergency Assistance payment authorized on 1/1/94; twelve month period is 1/2/94 through 1/1/95; family is potentially eligible again on 1/2/95.

Families which have not received Emergency Assistance benefits during the 12 consecutive month period may receive services even if a child living with the family has received services within the 12 month period. In this situation, eligibility and services provided for the child who has received Emergency Assistance during the past 12 months must have been provided while the child was living away from the family, the family's income (and assets) must not have been considered in determining this child's eligibility and another child who is eligible for Emergency Assistance services but has not received them during the 12 month period must be residing with the family.

PROGRAM REQUIREMENTS: In order to be eligible for Emergency Assistance, all of the following criteria must be met:

1. The child must be under the age of 21;
2. The child must be living with an individual described in the TANF and PaS programs as a "specified relative" or must have lived with a specified relative within the six months prior to the date of application. Women in their last trimester of pregnancy who have no other children living with them are potentially eligible. The focus of the Emergency Assistance program is the child.

NOTE: Services may be provided to a child who has been absent from the family for less than 6 months.

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NOTE: Services cannot be authorized for the child's family unless the child is living with them at the time of application.

3. The child and family must meet income eligibility requirements. If the child is living alone or with a specified relative other than the child's parent and, if payment is to be made by the Emergency Assistance program only for services authorized for the child, only the child's resources are to be taken into account. If the child is living with parents, the income of the parents must be taken into account.

Income Limit: Payment for services through this program is available to families which do not have income available to provide the needed emergency care of services. For all services provided through the Emergency Assistance program, the following income limits must be met:

- a. a family's income must be below 100% of the Federal Poverty Level,
or
- b. families must receive TANF or PaS, SSI, or Food Stamps.

NOTE: Every household member applying for EA must receive at least one of the benefits listed above.

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Emergency Assistance

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In determining the amount of income available to the family, the same work related disregard including the child care disregard allowed in the TANF and PaS cash programs are used.

The definitions of excluded income used in the TANF and PaS programs apply to the Emergency Assistance program.

4. All bills must be in either the applicant's name or the name of other adults or children listed on the application who meet Emergency Assistance requirements.
5. Refusal, without good cause, of a family member to accept employment or training must not have caused the circumstance requiring Emergency Assistance.
6. Payments will be made only to vendors. No reimbursements or third party payments will be approved. Copies of approvals will be made for the applicant, vendor, DHS Accounting Office and the case file unless authorized electronically. Applicants will be notified of eligibility decisions in all circumstances.
7. All non-financial eligibility factors of the TANF and PaS cash programs must be met unless excluded below or elsewhere in this Chapter. Excluded requirements of the Emergency Assistance program are:
 - deprivation
 - Assignment of Rights to Support
 - ASPIRE-TANF participation
 - Third Party Liability

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Emergency Assistance

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- Assets
- Lump Sum Income (consider any portion of the lump sum not excluded as described in Chapter III, Lump Sum as an asset)
- Income (see Income Limit and FPL in Appendix)
- Child's Age Limit (under 21 years)

Scope of Service: Assistance will be in the form of vendor payments for current or past expenses. Payment will not be authorized to other governmental or private organizations offering the same or similar services (Red Cross, Salvation Army, municipalities). Applications must be received within 30 days of receipt of the actual disconnection notice, eviction notice, foreclosure notice or lien expiration or after 30 days in situations when the crisis continues to exist. In the case of repairs or replacement the application must be received within 30 days of the date the crisis occurs or after 30 days when the crisis continues to exist. If the request is for special equipment due to handicap, the 30-day rule does not apply.

A tentative agreement has been reached between the vendor, the client and the Department when it is determined the payment will resolve the vendor's dispute. Payment will be authorized if the services have been provided in accordance with the agreement and the vendor has provided the Department with an appropriate bill.

Assistance will be limited to one consecutive 30-day period in any consecutive 12-month period. Although needs and costs may be higher, a maximum limit of \$600 per family is established for services described in categories 1 through 5. Additional maximums for particular items or services are identified in later sections.

If assistance reaches the maximum before the consecutive 30-day period expires, eligibility ceases. If the consecutive 30-day period expires, eligibility also ceases, even if the maximum assistance has not been reached.

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Emergency Assistance

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Assistance shall be used as indicated to cover needs resulting from specific types of emergencies. Evidence that the emergency occurred and details of the situation must be documented in the case record.

1. Disasters: Situations involving disaster such as fire, flood, storm causing damage and/or loss of property and goods.

Assistance may be used to provide or replace necessary household items destroyed or rendered unusable. Some items that may be considered are clothing, repairs or replacement of essential household equipment, repairs of structure (if owned or being purchased by applicant), food, emergency shelter, moving or storage of essential household equipment. This includes plumbing, electrical and carpentry work and rental of new living arrangements including a security deposit if required. Maximum payment is \$350.

The applicant, adults and children listed on the application who meet Emergency Assistance/AFDC requirements must be the owner of or purchasing the property which was damaged at the time of the disaster which needs to be repaired or replaced.

Application for assistance must be received within 90 days of the disaster.

Procedure for Emergencies Involving Disasters:

- a. The estimate from the vendor will be used as a basis for determining which items will be approved for payment.
- b. Once approval has been made a copy of the estimate indicating which items have been approved will be sent to the vendor with a letter explaining the Department's decision.
- c. If assistance is requested for plumbing, electrical, carpentry, or other similar work, estimates must be made by a reputable person in the appropriate field of work. Payment will be made only after the work has been completed by a reputable repairman, carpenter, electrician, etc. When necessary, the completion of work and the safe conditions which result are to be verified.

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2. Repair/Replace: Situations involving crisis due to inadequate, broken or worn conditions of a well, chimney, septic system, furnace, heating stove, or a related essential service which infringes upon a family's ability to cope with the elements. In these situations the structure, facility or item requiring service must be owned or must be in the process of being purchased by the applicant. Approval will be made for repairs or replacement. No approval will be made for repairs or replacement of property owned by other even though such property is being used by the applicant.

Assistance may be authorized for repair of chimneys, roofs, plumbing, electrical work, furnace or other heating, septic systems and wells. In order to repair or replace heating stoves they must be the primary source of heat and not a back-up system. Maximum payment is \$500.

When authorizing the purchase of a stove for heating purposes, the following is needed:

- a. A statement from the fire department that the chimney and hook-up are safe and that the existing stove is unsafe and needs replacing;
- b. If the request is for repair or replacement of furnace, proof of ownership of the home is needed.

NOTE: Purchase of stoves and furnaces will be limited to no more than one per household in a five year period.

Prior to authorization an estimate of the cost of repairs is required from a reputable dealer or repairman licensed for such services.

Authorization may include estimated costs. However, they must be within the overall maximums listed above.

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3. Emergency Housing: Situations involving the need for housing due to condemnation of structure, domestic violence, unsafe or unhealthy conditions for the child(ren) which has been certified by a public official, or actual eviction not caused by misuse of property or other types of willful disturbance by applicant, relatives or their guests. The eligibility worker must contact the landlord to investigate the condemnation or circumstance giving rise to an actual eviction. If the landlord alleges misuse of property or other types of willful disturbance by the applicant or a guest, the eligibility worker will make every reasonable effort to investigate further to determine if the allegation is true. Where the alleged misuse of property has been caused by an abuser in a domestic violence situation, the abused person will not be denied assistance.

In this category of assistance, a maximum of \$250 toward back rent, a security deposit on a new rental property, and court costs associated with evictions is allowed.

- a. Evictions: When the situation involves an eviction, application must be accompanied by an eviction notice, court eviction order, or statement from the landlord or attorney that an eviction is taking place, or has taken place within the 30 days prior to application or other credible evidence that an eviction (lawful or unlawful) is or has occurred within the 30 days prior.

In instances of eviction, the applicant, other adults or children listed on the application must have the actual tenant/landlord relationship.

If the need for housing is caused by domestic violence, or unsafe or unhealthy conditions, the application must be accompanied by documents necessary to prove the situation.

The reason for the eviction must be established. In a case of nonpayment of rent, if the notice does not specify the date due and amount, the worker will ascertain this information to ensure that the eviction notice will be rescinded even if assistance does not cover all the back rent and the landlord is willing to make arrangements for a plan whereby the applicant will pay the balance in installments or through use of other resources.

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- b. Security Deposits: Security deposits will only be authorized only in cases described below.
 - 1. There must be a definite landlord/tenant relationship, which can be verified by either a lease, rent receipts, or other credible information and the tenant must be actually facing eviction or must have been evicted within 30 days prior to the date of application.
 - 2. The building is being or has been condemned.
 - 3. The building has not been condemned but it can be verified by a public official that the facility is harmful to the health and physical well being of the child(ren).
 - 4. A lease which requires no written notice expires and the landlord refuses to extend it.
 - 5. Domestic violence has occurred.
 - 6. The rental property must be within the State of Maine.
- c. Mortgage Payments: Past due mortgage payments will be paid if the party holding the mortgage assures that the \$250.00 will prevent foreclosure even if it does not cover the entire amount due.

Past due real estate taxes will be paid to prevent foreclosure or after foreclosure if the town agrees to quit claim the property back to the client even if the \$250.00 doesn't cover the amount due and if the client still lives in the property.
- 4. Utilities: Situations involving actual or potential shut-off of electricity, gas, bottled gas, or water and sewer bills. Potential shut-off shall mean receipt of termination of service notice from the respective utility. Termination of service must be in accord with rules and regulations in Chapter 81, "Rules and Regulations for Disconnection and Deposit Regulations for Residential Utility Services", P.U.C.

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Emergency Assistance

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In instances of potential or actual disconnection, the utility must be in the applicant's name, or in the name of the adults or children listed on the application who meet Emergency Assistance/AFDC requirements. In the event that the utility is in another person's name, the applying family unit is not responsible for payment of the bill. If the applicant, requests assistance to establish service in their name due to a disconnection of service, assistance may be provided to pay a prior bill in the name of the applicant.

Assistance for sewer bills will be granted at the time the lien put on the property for this purpose is maturing.

In such situations a maximum of \$150 will be made toward arrearage of the bill. Approval of payment of the utility expense must be established with the applicant and utility vendor that shut-off will not take place even if the assistance does not cover all the back bill and that arrangements can be made for establishing a plan to pay the balance in installments directly or through use of other resources.

NOTE: In addition, on a utility with an arrearage of less than \$150 the client should apply to C.A.P. for benefits before applying for Emergency Assistance. Maximum payment is \$150.

NOTE: In the situation where more than one utility is to be disconnected, upon written verification additional assistance for this may be provided up to the \$150 maximum not used against the first utility.

Example: \$150 maximum payment
- xx authorized payment on first utility
= xxx maximum payment which can be
authorized for the second utility.

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MAINE PUBLIC ASSISTANCE MANUAL
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5. Special Medical Equipment or Clothing: Situations involving inability to perform daily living functions due to a physical or mental incapacity requiring special clothing or equipment not covered by Medicaid or Vocational Rehabilitation.

In such situations assistance may be authorized for items such as corrective shoes, leg braces, bandages, special stockings, back braces, adjustment of living arrangements, etc. The maximum payment is \$250 per individual.

NOTE: Eye glasses are not covered for adults.

Scope of Service: Applications will be available through all Department regional offices and its Central Office. In addition, municipal officials and other social service agencies will be supplied with applications upon request. Such agencies, through assisting client in completing the application, are not required to verify information on the application. Any verification they document will be accepted by the Department.

Eligibility for Emergency Assistance will be determined by a Department of Human Services Eligibility Worker. If clarification is needed, the applicant will be contacted by phone or mail. The applicant will be notified in writing whether he or she is eligible or ineligible. If eligible, notification will state the service and the amount. Hearing rights will also be outlined in the letter.

Approval will be made for one consecutive 30 day period per 12 month period. Decisions shall be made within 10 working days unless the applicant has failed to provide needed verification of information necessary to determine eligibility or asks for the application process to be extended.

Right To Hearing: Any person aggrieved by a decision, act, failure to act or delay in action concerning the application under this chapter shall have the right to an appeal. The same policy and procedure used in the TANF and PaS programs applies to Emergency Assistance with regard to hearings except that a hearing shall be held by the Administrative Hearings Officer within 10 working days following the receipt of an oral or a written request from the applicant for an appeal.

**DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Alternative Aid Assistance Program**

Page 1

The Department exercised its option to discontinue its Welfare-to-Work waiver demonstration project beginning 9/1/97 with the following exception:

- * The Department retains its Transitional Child Care waiver until 11/1/97.
- * The Department retains its waiver from the Federal Department of Human Services, Health Care Financing Administration which allows TANF or PaS recipients to receive Transitional Medicaid when they successfully obtain employment through ASPIRE-TANF job search activities within the first three months of TANF or PaS eligibility.

The remainder of the waiver initiatives become statewide policy 9/1/97. Policy for all the initiatives is incorporated throughout the manual except the Alternative Aid Assistance Program which remains in Chapter IX.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Alternative Aid Assistance Program**

Cross Reference LEGAL BASIS: The 117th Legislature authorized the Department to establish this program

None GENERAL RULE: The Alternative Aid voucher payment is assistance to applicants who seek short-term help to obtain or retain employment. The intent of the program is to help families remain self-supporting by providing voucher payments worth up to three months of the TANF benefits for which they are eligible. The expectation is that by providing a larger amount of benefits in a shorter time period, the family will be able to obtain or retain a job and will not become dependent on the TANF program.

Examples: assistance includes, but is not limited to, help with car repairs, child care, resolution of a housing-related problem, uniforms, or other items necessary to assist a person in obtaining or retaining employment.

PARTICIPANTS: Applicants statewide may volunteer to receive Alternative Aid. Alternative Aid is not available to families who are currently receiving TANF.

PAYMENT: The Department will pay vendor payment(s) for the application month and the two subsequent months for which the family is eligible. The benefits will be authorized within 30 days of application. No cash benefit is paid to the family. Vendor payments are authorized after the expense has been confirmed.

ELIGIBILITY REQUIREMENTS: The rules that govern the TANF payment, including the asset limit, income limit and the budgeting process, will apply to Alternative Aid assistance with the following exceptions:

- a.) The initial gross income test *is* 133% of the Federal Poverty Level.
- b.) Child support payments received minus the first \$50, will be counted as unearned income in determining eligibility for and the amount of the Alternative Aid benefit. (See item e.)
- c.) The Alternative Aid Benefit may be issued only once in any 12 consecutive month period. The 12-month period begins with the day following the day of the initial approval of Alternative Aid.
- d.) The caretaker relative or parent must be employed or looking for work.
- e.) The family is not required to assign child support, comply with ASPIRE-TANF requirements, or participate in a TANF orientation meeting

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Alternative Aid Assistance Program**

- f.) Receipt of Alternative Aid Assistance does not count towards the 60 month time limit.
- g.) When the family's income passes the pretests, the wages which would count in the grant calculation of TANF or PaS benefits are excluded income in the grant calculation of Alternative Aid Assistance.

Families who receive Alternative Aid will be reviewed for Medicaid eligibility. However, periods of receipt of Alternative Aid will not constitute receipt of TANF benefits for purposes of eligibility for Transitional Medicaid, Transitional Child Care, or Transitional Transportation.

If during the 3 month eligibility period in which a family is receiving the Alternative Aid benefit the family applies for and is determined eligible for TANF or PaS, the family must repay any Alternative Aid received for any period which was covered by both Alternative Aid and TANF. The repayment method will be the same as that used for the repayment of unintentional overpayments in the TANF program.

Families who receive TANF Worker Supplement (TWS) cannot receive Alternative Aid during the same time. TWS recipients can apply for Alternative Aid. If a TWS recipient applies for Alternative Aid and is found eligible, TWS can be suspended during the period of Alternative Aid eligibility and will be reinstated after the eligibility period has ended.

INFORMING TANF APPLICANTS: Eligibility staff must explain Alternative Aid to all TANF applicants. Families may apply for Alternative Aid if they think the program will help them retain or obtain employment.

A family may apply for Alternative Aid instead of TANF by completing an application and consent form agreeing to comply with the terms of Alternative Aid.

**DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Parents as Scholars Program**

LEGAL BASIS: The 118th Legislature authorized the Department to establish a student financial aid program based on need for up to 2000 participants known as the Parents as Scholars Program, (PaS) to aid needy students who have dependent children and who are matriculating in post secondary undergraduate 2-year and 4-year degree-granting education programs. Enrollees in the program are provided with a package of student aid that includes aid for living expenses in an amount equivalent to TANF recipients. A family that ceases to receive aid under this chapter as a result of increased child support or increased hours of, or increased income from, employment is eligible to receive transitional support services. The program must be supported with funds other than federal block grant funds provided under the United States Social Security Act, Title IV-A. The program begins 8/1/97.

The 121st Legislature enacted law to allow the Department to use the Federal TANF Block Grant to fund twelve months of a family's PaS benefits beginning on or after July 1, 2003.

GENERAL RULE: Recipient and applicant families who qualify for TANF assistance on or after 6/20/97 may apply to participate in the PaS program instead of TANF. Individuals with marketable bachelor's degrees are ineligible for the Parents as Scholars

PROGRAM REQUIREMENTS: Eligibility for and the amount of assistance for PaS is determined in accordance with all the eligibility criteria and procedures used in the TANF program including assignment of child support, with the following exceptions:

1. the PaS family is exempt from the 60 month time limit for each participating month that is State-Funded and is not exempt from the 60 month time limit during the 12 months when the PaS family is funded with the TANF Block Grant.
2. Individuals applying to the program must be assessed in accordance with the provisions of the ASPIRE-TANF/PaS rules. To the extent that program resources and space permit, enrollment in the program must be granted if the ASPIRE-TANF/PaS assessment results in findings as follows:
 - a. the individual does not possess the necessary skills to obtain employment that will enable that individual to support a family at 85% of the median family income in the State for a family of the same size;

**DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Parents as Scholars Program**

- b. considering potential employment opportunities and local labor market conditions, the postsecondary education sought by the individual will significantly improve the ability of the family to be self-supporting; and
- c. the individual has the aptitude to complete the proposed post secondary program successfully.

PARTICIPATION REQUIREMENTS: An enrollee must participate in a combination of education, training, study or work-site experience for an average of 20 hours per week in the first 24 months of the program. Aid under this chapter may continue beyond 24 months if the enrollee remains in an educational program and agrees to participate in either of the following options which are the result of Legislative action which becomes effective on September 18, 1999:

- A. Fifteen hours per week of work-site experience in addition to other education, training or study; or
- B. A total of 40 hours of education, training, study or work-site experience.

The Department must present both options to enrollees and permit them to choose either option. For the purpose of this subsection, work-site experience includes, but is not limited to, paid employment, work study, practicums, internships, clinical placements, laboratory or field work directly related to the enrollee's employment goal or any other work activities that, as determined by the Department, will enhance the enrollee's employability in the enrollee's field. In the last semester of the enrollee's educational program, work-site experience may also include resume preparation, employment research, interviews and other activities related to job placement.

The Department must make reasonable adjustments in the participation requirements in this subsection for good cause.

**DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Parents as Scholars Program**

Good Cause:

For the purpose of this subsection, "good cause" means circumstances in which the required participation would cause the enrollee to seriously compromise academic performance. "Good cause" includes, but is not limited to:

1. a verifiable need to take care of a family member with special needs;
2. a physical or mental health problem, illness, accident, death; or
3. a serious personal or family problem that necessitates reduced participation or time off from education, training or work.

An enrollee receiving aid under this chapter must make satisfactory progress in the enrollee's educational program. Rules defining satisfactory academic progress are found in the ASPIRE-TANF manual. The Department may not disapprove an educational plan based solely on the length of the educational program.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Post Employment Assistance to Working Families**

FS Cross
Reference

TANF WORKER SUPPLEMENT (TWS)

GENERAL RULE: TANF Worker Supplement (TWS) is a TANF supplement available to working families who received TANF or PaS in 1 of the 3 months immediately preceding the month of ineligibility. Increased hours of work or increased earnings must have caused the closure. (See EXCEPTION TO GENERAL RULE, below) TWS is restricted to the purchase of food products, like the Federal Food Supplement Program.

TWS is available in the following situations

1. For TANF/IC only, if the number of hours worked by the individual who had been determined incapacitated increases to more than 20 hours per week.
2. For TANF/UP only, if the number of hours worked by the PWE increases to more than 130 hours per month.
3. For a family with a parent who is sanctioned from the assistance grant, if the sanctioned parent goes to work for 30 hours or more.
4. If an increase in earnings or hours of work that occurs in conjunction with another change that causes ineligibility.

EXCEPTION TO GENERAL RULE: TWS is also available to families in which one or both adults are working at paid employment; and, although they remain financially eligible for TANF or PaS benefits, request their benefits be terminated.

A family with a parent who is under sanction for non-compliance with DSER or who has been disqualified due to an Intentional Program Violation is not eligible for TWS.

Application Process:

Eligibility for TWS shall be determined by staff of the Office of Integrated Access and Support upon oral or written request in the 12 month period, immediately following TANF closure. TWS begins in the first month of TANF ineligibility.

NOTE: Families cannot receive TANF and TANF Worker Supplement concurrently.

NOTE: Families cannot receive Alternative Aid and TANF Worker Supplement concurrently. TWS will be suspended for families who apply and are found eligible for Alternative Aid while receiving TWS. TWS will be reinstated once the Alternative Aid eligibility period ends.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Post Employment Assistance to Working Families**

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NOTE: Families may elect to withdraw from TWS at any point during their three consecutive years.

TWS Benefits:

TWS is a food assistance benefit that can only be used for the types of food purchases allowed by the Food Stamp Program. Eligibility for TWS will continue for 3 consecutive years if not interrupted by a change in circumstances beginning with the first month of regular basic TANF ineligibility. Families applying for TWS after the first month of eligibility forfeit those months. There will be no retroactivity.

The recipient is eligible for a payment of:

\$100 per month for the first 12 months following the first month of regular basic TANF ineligibility.

\$75 per month for the second 12 months

\$50 per month for the third 12 months

Benefits will not be prorated;

Payment Issuance:

The Department will issue the TWS benefit to the recipient monthly. The benefit will be placed on the recipient's EBT card and must be used for the purchase of food items.

Reporting Responsibilities:

The TANF Worker Supplement (TWS) benefit will remain constant until the recipient reports a change that affects the TWS benefit.

At least every six months the recipient must verify hours of employment.

Within 10 days of its occurrence, TWS recipients have a mandatory duty to report any of the following:

1. Employment ceases
2. The last eligible child leaves the home
3. The last eligible child turns 18

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Post Employment Assistance to Working Families**

Verification of Hours & Eligibility:

TWS recipients must verify hours of employment prior to granting an application for TWS unless this has been verified within the previous 30 days and at least every six months thereafter. TWS cases must verify that there is an eligible child in the household at least every six months.

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
CHARTS

Table of Percentages for First Month Payment

28 Day	Month Percent	29 Day	Month Percent	30 Day	Month Percent	31 Day	Month Percent
1	100.00	1	100.00	1	100.00	1	100.00
2	96.43	2	96.55	2	96.67	2	96.77
3	92.86	3	93.10	3	93.33	3	93.55
4	89.29	4	89.66	4	90.00	4	90.32
5	85.71	5	86.21	5	86.67	5	87.10
6	82.14	6	82.76	6	83.33	6	83.87
7	78.57	7	79.31	7	80.00	7	80.65
8	75.00	8	75.86	8	76.67	8	77.42
9	71.43	9	72.41	9	73.33	9	74.19
10	67.86	10	68.97	10	70.00	10	70.97
11	64.29	11	65.52	11	66.67	11	67.74
12	60.71	12	62.07	12	63.33	12	64.52
13	57.14	13	58.62	13	60.00	13	61.29
14	53.57	14	55.17	14	56.67	14	58.06
15	50.00	15	51.72	15	53.33	15	54.84
16	46.43	16	48.28	16	50.00	16	51.61
17	42.86	17	44.83	17	46.67	17	48.39
18	39.29	18	41.38	18	43.33	18	45.16
19	35.71	19	37.93	19	40.00	19	41.94
20	32.14	20	34.48	20	36.67	20	38.71
21	28.57	21	31.03	21	33.33	21	35.48
22	25.00	22	27.59	22	30.00	22	32.26
23	21.43	23	24.14	23	26.67	23	29.03
24	17.86	24	20.69	24	23.33	24	25.81
25	14.29	25	17.24	25	20.00	25	22.58
26	10.71	26	13.79	26	16.67	26	19.35
27	7.14	27	10.34	27	13.33	27	16.13
28	3.57	28	6.90	28	10.00	28	12.90
		29	3.45	29	6.67	29	9.68
				30	3.33	30	6.45
						31	3.20

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
CHARTS

TANF and PaS Program Income Tests, Standard of Need, and Maximum Payment Charts for **Applicants:**

ADULT INCLUDED

BASIC					SPECIAL NEED						
Number in filing unit	Gross Income Test	Second Income Test	SON	Maximum Grant	Gross Income Test	Second Income Test	SON	Maximum Grant +	Special Need	= Total	Max. Gap
1	485	283	294	230	578	333	394	230	100	330	64
2	762	445	463	363	855	495	563	363	100	463	100
3	1,023	596	620	485	1,116	646	720	485	100	585	135
4	1,286	750	780	611	1,379	800	880	611	100	711	169
5	1,548	903	938	733	1,641	953	1038	733	100	833	205
6	1,811	1,055	1,096	856	1,904	1,105	1196	856	100	956	240
7	2,072	1,208	1,255	981	2,165	1,258	1355	981	100	1081	274
8	2,335	1,361	1,414	1,105	2,427	1,411	1514	1,105	100	1205	309
Additional Member	+262	+153	+159	+124	+262	+153	+159	+124	+100	+124	

DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
CHARTS

TANF and PaS Program Income Tests, Standard of Need, and Maximum Payment Charts for **Applicants**:

ADULT NOT INCLUDED

BASIC					SPECIAL NEED						
Number in filing unit	Gross Income Test	Second Income Test	SON	Maximum Grant	Gross Income Test	Second Income Test	SON	Maximum Grant +	Special Need	= Total	Max. Gap
1	285	167	174	138	332	217	274	138	100	238	36
2	546	319	332	262	639	369	432	262	100	362	70
3	808	472	491	386	901	522	591	386	100	486	105
4	1,071	624	649	508	1,164	674	749	508	100	608	141
5	1,334	778	809	634	1,427	828	909	634	100	734	175
6	1,597	931	967	756	1,690	981	1067	756	100	856	211
7	1,859	1,083	1,125	880	1,952	1,133	1225	880	100	980	245
8	2,120	1,236	1,284	1,004	2,213	1,286	1384	1,004	100	1104	280
Additional Member	+262	+153	+159	+124	+262	+153	+159	+124	+100	+124	

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
CHARTS**

TANF and PaS Program Income Tests, Standard of Need, and Maximum Payment Charts for

On-going Assistance Units:

ADULT INCLUDED

BASIC				SPECIAL NEED					
Number in filing unit	Gross Income Test	S.O.N.	Maximum Grant	Gross Income Test	S.O.N.	Maximum Grant +	Special Need	= Total	Max. Gap
1	485	294	230	578	394	230	100	330	64
2	762	463	363	855	563	363	100	463	100
3	1,023	620	485	1,116	720	485	100	585	135
4	1,286	780	611	1,379	880	611	100	711	169
5	1,548	938	733	1,641	1038	733	100	833	205
6	1,811	1,096	856	1,904	1196	856	100	956	240
7	2,072	1,255	981	2,165	1355	981	100	1081	274
8	2,335	1,414	1,105	2,427	1514	1,105	100	1205	309
Additional Member	+262	+159	+124	+262	+159	+124	+100	+124	

ADULT NOT INCLUDED

BASIC				SPECIAL NEED					
Number in filing unit	Gross Income Test	S.O.N.	Maximum Grant	Gross Income Test	S.O.N.	Maximum Grant +	Special Need	= Total	Max. Gap
1	285	174	138	332	274	138	100	238	36
2	546	332	262	639	432	262	100	362	70
3	808	491	386	901	591	386	100	486	105
4	1,071	649	508	1,164	749	508	100	608	141
5	1,334	809	634	1,427	909	634	100	734	175
6	1,597	967	756	1,690	1067	756	100	856	211
7	1,859	1,125	880	1,952	1225	880	100	980	245
8	2,120	1,284	1,004	2,213	1384	1,004	100	1104	280
Additional Member	+262	+159	+124	+262	+159	+124	+100	+124	

DEPARTMENT OF HEALTH AND HUMAN SERVICES

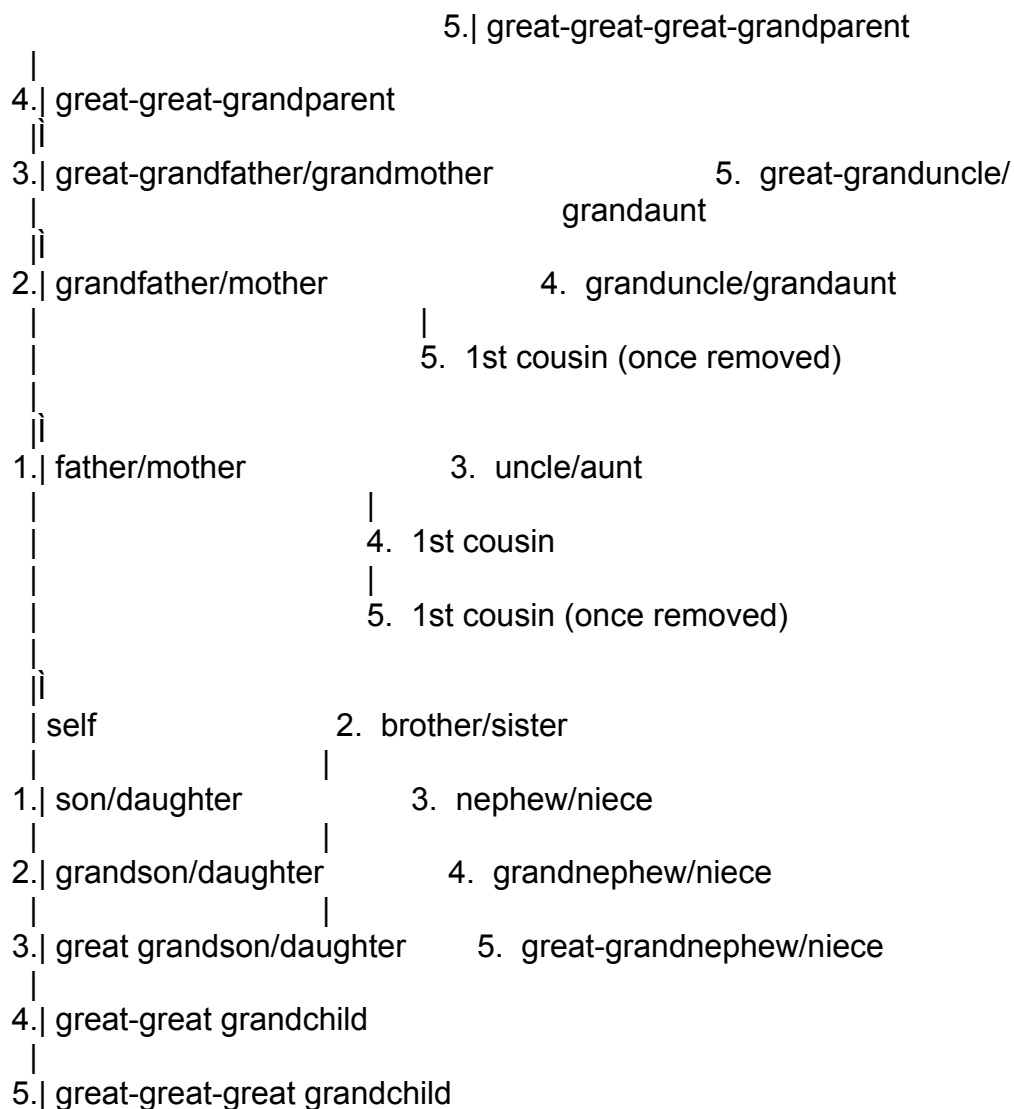
MAINE PUBLIC ASSISTANCE MANUAL

Charts

The Federal poverty income levels are available at the Department of Health and Human Services Offices.

DEPARTMENT OF HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
Charts

RELATIONSHIPS



**DEPARTMENT OF HUMAN SERVICES
TANF PAYMENTS MANUAL
Child Care**

SERVICE AREA: DAY CARE - RESOURCE DEVELOPMENT CENTERS AND
VOUCHER MANAGEMENT AGENCIES

			<u>Areas Served:</u>
Action Opportunities, Inc. Child Care Opportunities P.O. Box 1093 Ellsworth, ME 04605	Phone #: FAX #:	667-2467 677-2212	Hancock County
Aroostook County Action Program Child Care Express Resource Development Center P.O. Box 1116 Presque Isle, Maine 04769	Phone #: FAX #:	764-3721 1-800-432-7881 768-3047	Aroostook County
Bath-Brunswick Child Care Svcs. Resource Development Center 32 Hennessey Avenue Brunswick, Maine 04011	Phone #: FAX #:	725-2413 729-2615	Lincoln & Sagadahoc Counties & Town of Brunswick
Belfast Area Children's Center RFD #4, Box 4635 Belfast, Maine 04915	Phone #: FAX #:	342-5535 338-5521	Waldo County
(The) Children's Center Carelink Resource Development Center P.O. Box 512 Sanford, Maine 04073	Phone #: FAX #:	324-0735 1-800-336-2992 324-1787	York County
Coastal Com. Action Program Coastal Child Care Child Care Resources/Knox-Waldo P.O. Box 808 Rockland, Maine 04841	Phone #: FAX #:	594-2591 594-0938	Knox County
Community Concepts, Inc. Finders/Seekers Box 278, Market Square So. Paris, Maine 04281	Phone #: FAX #:	743-1516 1-800-543-7008 743-6513	Oxford, Franklin, & Androscoggin Counties
Penquis Child Care Resource Development Center 120 Cleveland Street Bangor, Maine 04401	Phone #: FAX #:	941-2840 973-3699	Penobscot & Pisca-taquis Counties

**DEPARTMENT OF HUMAN SERVICES
TANF PAYMENTS MANUAL
Child Care**

SERVICE AREA: DAY CARE - RESOURCE DEVELOPMENT CENTERS AND
VOUCHER MANAGEMENT AGENCIES

So. Kennebec Child Development
Corp.
Child Care Options
9 Higgins Street
Augusta, Maine 04330

Phone #: 626-3410
1-800-525-2229

Somerset &
Kennebec
Counties

So. Maine Area Agency on Aging
Child Care Connections
307 Cumberland Avenue
P.O. Box 10480
Portland, Maine 04104

Phone #: 871-7449
FAX #: 775-6503

Cumberland
County except
Town of
Brunswick

Washington-Hancock Com. Agency
Child Care Downeast
P.O. Box 280
Milbridge, Maine 04658-0280

Phone #: 546-7544
1-800-339-9422
FAX #: 546-3216

Washington
County

AFDC BASIC GRANT AND SPECIAL NEED BUDGET WORKSHEET
(for overpayments and underpayments prior to 01/01/98)

Rev. 7/97

page 5

CASE NAME: _____ CASE ID: _____

185% GROSS INCOME TEST	Basic	Special	100% FULL NEED TEST	Basic	Special
1. Gross Earned Income			1. Gross Earned Income		
2. Gross Unearned	+ _____		2. Work Expense	- 90.00	
Child Support - \$50	+ _____		3. Child Care	- _____	
3. Stepparent	+ _____		4. Unearned Income	+ _____	
Countable			Child Support (- \$50)	+ _____	
4. Total (1-3)	= _____		5. Stepparent Countable	_____	
5. See 185% Chart	= _____	_____	6. Total	_____	
Ineligible if 4 is greater than 5					
If 4 is less than 5 - go to next step			7. See Full Need Chart	_____	_____

Calculate Countable Income	1st Income	2nd Income	Non-essential Stepparent
6. Gross earned income (line 1)	_____	_____	_____
7. Work Related Expense	- 90.00	- 90.00	- 90.00
8. Sub Total (5 - 6)	= _____	= _____	_____
9. \$30.00 Disregard	- 30.00	- 30.00	
10. (7 - 8)	3) _____	3) _____	
11. 1/3 Disregard	- _____	- _____	
12. Adjusted Gross (9 - 10)	= _____	= _____	_____
13. Child Care (\$200 per child -2) (\$175 per child 2+ or disabled)	- _____ _____	- _____ _____	- _____ _____
14. Countable Earned Income	= _____	= _____	= _____
15. Gross Unearned Income	+ _____	+ _____	_____
		(less allocations	- _____)
16. Countable Stepparent Income (after allocations)	+ _____		- _____
17. Total AFDC Countable Income	(_____)	+(_____)	= _____

Calculate Basic Grant	Basic Grant	27. Special Need
18. Need Standard (See Chart)	_____	_____
19. Countable Income (Line 17)	- _____	_____
20. Deficit (18-19)	= _____	_____
21. Grant Amount (Deficit (20) or max. whichever is less)	_____	_____
22. Unemployment of P.W.E.	- _____	_____
23. Grant for full month of AFDC.	x _____	_____
	(factor)	_____
24. Prorated Basic AFDC grant	_____	_____

If special need payment is requested, calculate 75% Eligibility Test:

25. Monthly Rent:	_____	AFDC Countable Income (line 17)	= _____
Lot Rent:	_____	Child Support - \$50	+ _____
Mortgage:	_____	Basic AFDC Grant (line 23, if on-going	+ _____
Taxes:	_____	case, line 24 if initial month of app.)	+ _____
Home Owner's Insurance:	_____	Total Income	= _____
Total Shelter Expenses:	_____		= _____ %
26. Total Rent divided by total income			

*If % is 75 or over, proceed with Calculation of Combination of Basic Grant and Special Need Payments. See #27.

TANF BASIC GRANT AND SPECIAL NEED BUDGET WORKSHEET
(Use prior to 01/01/98)

Rev. 7/97

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CASE NAME: _____ CASE ID: _____

185% GROSS INCOME TEST	Basic	Special	100% FULL NEED TEST
Basic Special			
1. Gross Earned Income			1. Gross Earned Income _____
2. Gross Unearned + _____			2. Work Expense - 90.00
Child Support (- \$50) + _____			3. Child Care - _____
3. Stepparent + _____		4. Unearned Income + _____	Child Support (- \$50) + _____
Countable			5. Stepparent Countable _____
4. Total (1-3) = _____			6. Total _____
5. See 185% Chart = _____		6. Total _____	
Ineligible if 4 is greater than 5			
If 4 is less than 5 - go to next step		7. See Full Need Chart _____	

Calculate Countable Income	1st Income	2nd Income	Non-essential Stepparent
6. Gross earned income (line 1)	_____	_____	_____
7. Work Related Expense	- 90.00	- 90.00	- 90.00
8. Sub Total (6 - 7)	= _____	= _____	
9. \$30.00 Disregard	- 30.00	- 30.00	
10. (8 - 9)	3) _____	3) _____	
11. 1/3 Disregard	- _____	- _____	
12. Adjusted Gross (10 - 11)	= _____	= _____	= _____
13. Child Care (\$200 per child -2)	- _____	- _____	- _____
(\$175 per child 2+ or disabled)	_____	_____	_____
14. Countable Earned Income	= _____	= _____	= _____
15. Gross Unearned Income + _____ + _____		+ _____	
		(less allocations - _____)	
16. Countable Stepparent Income (after allocations) + _____		- _____	
17. Total TANF Countable Income (_____) + (_____) = _____			

Calculate Basic Grant	Basic Grant	27. Special Need
18. Need Standard (See Chart)	_____	_____
19. Countable Income (Line 17)	- _____	_____
20. Deficit (18-19)	= _____	_____
21. Grant Amount (Deficit (20) or max. whichever is less)	_____	_____
22. Unemployment of P.W.E.	- _____	_____
23. Grant for full month of TANF.	x _____	_____
	(factor)	
24. Prorated Basic TANF grant		

AFDC BASIC GRANT AND SPECIAL NEED BUDGET WORKSHEET
(Use prior to 01/01/98)

Rev. 7/97
page 5a

CASE NAME: _____ CASE ID: _____

185% GROSS INCOME TEST	Basic	Special	100% FULL NEED TEST	Basic	Special
1. Gross Earned Income			1. Gross Earned Income		
2. Gross Unearned	+ _____		2. Work Expense	- 90.00	
Child Support - \$50	+ _____		3. Child Care	- _____	
3. Stepparent	+ _____		4. Unearned Income	+ _____	
Countable			Child Support (- \$50)	+ _____	
4. Total (1-3)	= _____		5. Stepparent Countable	_____	
5. See 185% Chart	= _____	_____	6. Total	_____	
Ineligible if 4 is greater than 5					
If 4 is less than 5 - go to next step			7. See Full Need Chart	_____	_____

Calculate Countable Income	1st Income	2nd Income	Non-essential Stepparent
6. Gross earned income (line 1)	_____	_____	_____
7. Work Related Expense	- 90.00	- 90.00	- 90.00
8. Sub Total (5 - 66 - 7)	= _____	= _____	_____
9. \$30.00 Disregard	- 30.00	- 30.00	
10. (7 - 88 - 9)	3) _____	3) _____	
11. 1/3 Disregard	- _____	- _____	
12. Adjusted Gross (9 - 1010 - 11)	= _____	= _____	_____
13. Child Care (\$200 per child -2) (\$175 per child 2+ or disabled)	- _____ _____	- _____ _____	- _____ _____
14. Countable Earned Income	= _____	= _____	= _____
15. Gross Unearned Income	+ _____	+ _____	_____
		(less allocations	- _____)
16. Countable Stepparent Income (after allocations)	+ _____		- _____
17. Total AFDC Countable Income	(_____)	+(_____)	= _____

Calculate Basic Grant	Basic Grant	27. Special Need
18. Need Standard (See Chart)	_____	_____
19. Countable Income (Line 17)	- _____	_____
20. Deficit (18-19)	= _____	_____
21. Grant Amount (Deficit (20) or max. whichever is less)	_____	_____
22. Unemployment of P.W.E.	- _____	_____
23. Grant for full month of AFDC.	x _____	_____
	(factor)	_____
24. Prorated Basic AFDC grant	_____	_____

If special need payment is requested, calculate 75% Eligibility Test:

25. Monthly Rent:	_____	AFDC Countable Income (line 17)	= _____
Lot Rent:	_____	Child Support - \$50	+ _____
Mortgage:	_____	Basic AFDC Grant (line 23, if on-going	+ _____
Taxes:	_____	case, line 24 if initial month of app.)	= _____
Home Owner's Insurance:	_____	Total Income	= _____ %
Total Shelter Expenses:	_____		
26. Total Rent divided by total income			

*If % is 75 or over, proceed with Calculation of Combination of Basic Grant and Special Need Payments. See #27.

CASE NAME: _____ CASE ID: _____

GROSS INCOME TEST		Basic	Special
1.	Gross Earned Income		
2.	Gross Unearned	+ _____	
	Child Support (- \$50)	+ _____	
3.	Stepparent Countable	+ _____	
4.	Total (1-3)	= _____	
5.	See Pretest Chart	= _____	_____
Ineligible if 4 is greater than 5			
If 4 is less than 5 - go to next step			

Calculate Countable Income essential	1st Working	2nd Working	Non-
	Individual	Individual	Stepparent
6. Gross earned income (line 1)	_____	_____	_____
7. Disregard 20%	= _____	= _____	= _____
Sub Total (6 - 7)			
9. Disregard	- 134	- 134	- 134
10. Adjusted Gross (8 - 9)	= _____	= _____	= _____
11. Child Care (\$200 per child -2) (\$175 per child 2+ or disabled)	- _____ - _____	- _____ - _____	- _____ - _____
12. Countable Earned Income	= _____	= _____	= _____
13. Gross Unearned Income (less allocations)	+ _____ - _____	+ _____ (less allocations)	+ _____ - _____
14. Countable Stepparent Income (after allocations)	+ _____	_____ (allocations)	- _____
15. Total TANF Countable Income =	= _____		= _____

Calculate Basic Grant	Basic Grant	24. Special Need
16. Need Standard (See S.O.N. Chart)	_____	_____
17. Countable Income (Line 15)	- _____	_____
18. Deficit (16-17)	= _____	_____
19. Grant Amount (Deficit (18) or max. whichever is	_____	_____
20. Grant for full month of TANF.	x _____	_____
21. Prorated Basic TANF grant	(factor)	

Special need payment 75% Eligibility Test:

22.	Monthly Rent: _____		
	Lot Rent: _____	TANF Countable Income (line 15)	= _____
	Mortgage: _____	Child Support (- \$50) if not used in + _____	
		item 15)	
	Taxes: _____	Basic TANF Grant (line 20, if on-going	
	Home Owner's Insurance: _____	case, line 21 if initial month of app.) + _____	
	Total Shelter Expenses: _____	Total Income	= _____

23. Total shelter expenses divided by total income	=	%
--	---	---

CASE NAME: _____ CASE ID: _____

GROSS INCOME TEST	Basic	Special
1. Gross Earned Income		
2. Gross Unearned	+ _____	
Child Support (- \$50)	+ _____	
3. Stepparent	+ _____	
Countable		
4. Total (1-3)	= _____	
5. See Pretest Chart	= _____	_____
Ineligible if 4 is greater than 5		
If 4 is less than 5 - go to next step		

Calculate Countable Income	1st Working Individual	2nd Working Individual	Non-essential Stepparent
6. Gross earned income (line 1)	_____	_____	_____
7. Disregard 20%	= _____	= _____	= _____
Sub Total (6 - 7)			
9. Disregard	- 134	- 134	- 134
10. Adjusted Gross (8 - 9)	= _____	= _____	= _____
11. Child Care (\$200 per child -2)	- _____	- _____	- _____
(\$175 per child 2+ or disabled)	- _____	- _____	- _____
12. Countable Earned Income	= _____	= _____	= _____
13. Gross Unearned Income	+ _____	+ _____	+ _____
(less allocations)	- _____	(less allocations)	- _____
14. Countable Stepparent Income	+ _____	_____	-
(after allocations)		(allocations)	_____
15. Total TANF Countable Income	= _____	= _____	= _____

Calculate Basic Grant	Basic Grant	24. Special Need
16. Need Standard (See S.O.N. Chart)	_____	_____
17. Countable Income (Line 15)	- _____	_____
18. Deficit (16-17)	= _____	_____
19. Grant Amount (Deficit (18) or max. whichever is	_____	_____
20. Grant for full month of TANF.	x _____	_____
	(factor)	
21. Prorated Basic TANF grant	_____	_____

Special need payment 75% Eligibility Test:

22. Monthly Rent: _____		TANF Countable Income (line 15)	= _____
Lot Rent: _____		Child Support (- \$50) if not used in	+ _____
Mortgage: _____		item 15)	
Taxes:		Basic TANF Grant (line 20, if on-going	+ _____
Home Owner's Insurance: _____		case, line 21 if initial month of app.)	= _____
Total Shelter Expenses: _____		Total Income	= _____
23. Total shelter expenses divided by total income			= _____ %

*If % is 75 or over, proceed with Calculation of Combination of Basic Grant and Special Need Payments. See #24.

TANF BASIC GRANT AND SPECIAL NEED BUDGET WORKSHEET
For Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo and York

Begin 7/98

Rev. 7/98

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CASE NAME: _____ CASE ID: _____

GROSS INCOME TEST	Basic	Special
1. Gross Earned Income		
2. Gross Unearned	+	
Child Support (- \$50)	+	
3. Stepparent	+	
Countable		
4. Total (1-3)	=	
5. See Pretest Chart	=	
Ineligible if 4 is greater than 5		
If 4 is less than 5 - go to next step		

Calculate Countable Income essential	1st Working	2nd Working	Non-
	Individual	Individual	Stepparent
6. Gross earned income (line 1)			
7. Disregard	- \$150	- \$150	- \$150
8. Sub Total (6 - 7)	=	=	=
9. Disregard 50%	=	=	=
10. Adjusted Gross (8 - 9)	=	=	=
11. Child Care (\$200 per child -2) (\$175 per child 2+ or disabled)	-	-	-
12. Countable Earned Income	=	=	=
13. Gross Unearned Income	+	+	+
(less allocations)	-	- (less allocations)	-
14. Countable Stepparent Income (after allocations)	+	(allocations)	-
15. Total TANF Countable Income =	=	=	=

Calculate Basic Grant	Basic Grant	24. Special Need
16. Need Standard (See S.O.N. Chart)		
17. Countable Income (Line 15)	-	
18. Deficit (16-17)	=	
19. Grant Amount (Deficit (18) or max. whichever is less)		
20. Grant for full month of TANF.	x	
	(factor)	
21. Prorated Basic TANF grant		

Special need payment 75% Eligibility Test:

22. Monthly Rent:		TANF Countable Income (line 15) =
Lot Rent:		
Mortgage:		Child Support (- \$50) if not used in +
		item 15
Taxes:		Basic TANF Grant (line 20, if on-going
Home Owner's Insurance:		case, line 21 if initial month of app.) +
Total Shelter Expenses:		Total Income =

23. Total shelter expenses divided by total income = _____ %

*If % is 75 or over, proceed with Calculation of Combination of Basic Grant and Special Need Payments. See #24.

Begin 7/98

TANF BASIC GRANT AND SPECIAL NEED BUDGET WORKSHEET
For Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo and York

Rev. 7/98
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CASE NAME: _____ CASE ID: _____

GROSS INCOME TEST	Basic	Special
1. Gross Earned Income		
2. Gross Unearned	+ _____	
Child Support (- \$50)	+ _____	
3. Stepparent	+ _____	
Countable		
4. Total (1-3)	= _____	
5. See Pretest Chart	= _____	_____
Ineligible if 4 is greater than 5		
If 4 is less than 5 - go to next step		

Calculate Countable Income	1st Working Individual	2nd Working Individual	Non-essential Stepparent
6. Gross earned income (line 1)	_____	_____	_____
7. Disregard 20%	= _____	= _____	= _____
Sub Total (6 - 7)			
9. Disregard	- 150	- 150	- 150
10. Adjusted Gross (8 - 9)	= _____	= _____	= _____
11. Child Care (\$200 per child -2)	- _____	- _____	- _____
(\$175 per child 2+ or disabled)	- _____	- _____	- _____
12. Countable Earned Income	= _____	= _____	= _____
13. Gross Unearned Income	+ _____	+ _____	+ _____
(less allocations)	- _____	(less allocations)	- _____
14. Countable Stepparent Income	+ _____	_____	(allocations)
(after allocations)			- _____
15. Total TANF Countable Income	= _____	= _____	= _____

Calculate Basic Grant	Basic Grant	24. Special Need
16. Need Standard (See S.O.N. Chart)	_____	_____
17. Countable Income (Line 15)	- _____	_____
18. Deficit (16-17)	= _____	_____
19. Grant Amount (Deficit (18) or max. whichever is	_____	_____
20. Grant for full month of TANF.	x _____	_____
	(factor)	_____
21. Prorated Basic TANF grant	_____	_____

Special need payment 75% Eligibility Test:

22. Monthly Rent: _____			
Lot Rent: _____		TANF Countable Income (line 15)	= _____
Mortgage: _____		Child Support (- \$50) if not used in	+ _____
		item 15)	
Taxes:		Basic TANF Grant (line 20, if on-going	+ _____
Home Owner's Insurance: _____		case, line 21 if initial month of app.)	= _____
Total Shelter Expenses: _____		Total Income	= _____
23. Total shelter expenses divided by total income			= _____ %

*% is 75 or over, proceed with Calculation of Combination of Basic Grant and Special Need Payments. See #24.

TANF BASIC GRANT AND SPECIAL NEED BUDGET WORKSHEET
(Statewide)

CASE NAME: _____ CASE ID: _____

GROSS INCOME TEST	Basic	Special
1. Gross Earned Income		
2. Gross Unearned	+ _____	
Child Support (- \$50)	+ _____	
3. Stepparent	+ _____	
Countable		
4. Total (1-3)	= _____	
5. See Pretest Chart	= _____	_____
Ineligible if 4 is greater than 5		
If 4 is less than 5 - go to next step		

Calculate Countable Income	1st Working Individual	2nd Working Individual	Non-essential Stepparent
6. Gross earned income (line 1)	_____	_____	_____
7. Disregard 20%	= _____	= _____	= _____
Sub Total (6 - 7)			
9. Disregard	- \$108	- \$108	- \$108
10. Adjusted Gross (8 - 9)	= _____	= _____	= _____
11. Child Care (\$200 per child -2)	- _____	- _____	- _____
(\$175 per child 2+ or disabled)	- _____	- _____	- _____
12. Countable Earned Income	= _____	= _____	= _____
13. Gross Unearned Income	+ _____	+ _____	+ _____
(less allocations)	- _____	(less allocations)	- _____
14. Countable Stepparent Income	+ _____	(allocations)	- _____
(after allocations)			
15. Total TANF Countable Income	= _____	= _____	= _____

Second Income Test for Applicants Only: (If redetermination, go to step 17).

16. See Pretest chart	= _____	= _____	= _____
Ineligible if 15. is greater than 16. If 15 is less than 16, continue at step 17.			

Calculate Basic Grant	Basic Grant	24. Special Need
17. Need Standard (See S.O.N. Chart)	_____	_____
18. Countable Income (Line 15)	- _____	_____
19. Deficit (16-17)	= _____	_____
20. Grant Amount (Deficit (18) or max. whichever is	_____	_____
21. Grant for full month of TANF.	x _____	_____
	(factor)	_____
22. Prorated Basic TANF grant	_____	_____

Special need payment 75% Eligibility Test:

23. Monthly Rent: _____	24. TANF Countable Income (line 15)	= _____
Lot Rent: _____	Child Support (- \$50) if not used in item 15)	+ _____
Mortgage: _____	Basic TANF Grant (line 19, if on-going	+ _____
Taxes: _____	case, line 21 if initial month of app.)	+ _____
Home Owner's Insurance: _____	Total Income	= _____
Total Shelter Expenses: _____		= _____ %
23. Total shelter expenses divided by total income		

*If % is 75 or over, proceed with Calculation of Combination of Basic Grant and Special Need Payments. See #26.

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MAXIMUM GROSS INCOME GUIDELINES – DAY CARE SERVICES

@ 85% of the State's Median Income for Social Services Block Grant (SSBG)
State Funds (SFPSS & CCSF), Child Care Development Block Grant (CCDBG) and
Temporary Assistance to Needy Families (TANF) Transfer Funds
January 1, 2004 THROUGH SEPTEMBER 30, 2004

FAMILY SIZE	ANNUAL	MONTHLY (Annual / 12)	WEEKLY (Annual / 52)
	@ 85% of Median	@ 85% of Median	@ 85% of Median
1	25,824	2,151.99	496.61
2	33,770	2,814.14	649.42
3	41,715	3,476.29	802.22
4	49,661	4,138.44	955.02
5	57,607	4,800.59	1,107.83
6	65,553	5,462.74	1,260.63
7	67,043	5,586.89	1,289.28
8	68,533	5,711.04	1,317.93
9	70,022	5,835.20	1,346.58
10	71,512	5,959.35	1,375.23

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Individuals eligible for services under the contract and subsidized by Department funds must comply with following fee assessment criteria:

January 1, 2004 THROUGH SEPTEMBER 30, 2004

FEE ASSESSMENT CRITERIA

POVERTY GUIDELINE RANGE TO 85% STATE MEDIAN	FEE ASSES- MENT % OF GROSS INCOME	WEEKLY GROSS INCOME BY FAMILY SIZE				
		1	2	3	4	5
Up to 25%	2%	\$ 0-43	\$ 0-58	\$ 0-73	\$ 0-88	\$ 0-104
26% - 50%	4%	44-86	59-117	74-147	89-177	105-207
51% - 75%	5%	87-130	118-175	148-220	178-265	208-311
76% - 100%	6%	131-173	176-233	221-293	266-354	312-414
101% - 125%	8%	174-216	234-291	294-367	355-442	415-518
126% - 150%	9%	217-259	292-350	368-440	443-531	519-621
151% - 200%	10%	260-345	351-466	441-587	532-708	622-828
85% Median	10%	496.61	649.42	802.22	955.02	1107.83
		6	7	8	9	10
Up to 25%	2%	\$ 0-117	\$ 0-131	\$ 0-146	\$ 0-161	\$ 0-176
26% - 50%	4%	120-237	135-268	150-298	165-328	180-358
51% - 75%	5%	238-356	269-401	299-447	329-492	359-537
76% - 100%	6%	357-475	402-535	448-595	493-656	538-716
101% - 125%	8%	476-593	536-669	596-744	657-820	717-895
126% - 150%	9%	594-712	670-803	745-893	821-984	896-1074
151% - 200%	10%	713-949	804-1070	894-1191	985-1312	1075 To
85% Median	10%	1,260.63	1289.28	1317.93	1346.58	1375.23

All individuals eligible for services based on the above Maximum Gross Income Guidelines, whose family gross incomes are between 0% and 85% of the State's Median Income Guidelines, shall be assessed a fee equal to the Fee Assessment Percentage of weekly gross family income indicated above for each Poverty Guideline Range for full-time (BCW/BFW) care. Part-time (BCP/BFP) fees shall be assessed at 75% of the full-time fee and part-time (BCA/BFA) fees shall be assessed at 50% of the full-time fee. Weekly fee assessments may be rounded down to the nearest whole dollar.

For families with more than one child in care, whether enrolled by the Contractor or another Department funded Child Care provider or a Child Care provider not funded by the Department; the assessed fee shall be reduced by 50% for the second child enrolled; the assessed fee shall be reduced by 75% for the third child enrolled; and there shall be no fee assessed for the fourth child enrolled. *For families who have other children enrolled in other Child Care programs, proof of payment shall be required. The total amount of assessed fees to a family will not exceed 10% of the family's gross income f

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1. BCW/BFW = Full time day care in a center or family home consisting of 30 or more enrollment hours of child care per week.
2. BCP/BFP = Part-time day care in a center or family home consisting of 20 to 29 (inclusive) enrollment hours of child care per week.
3. BCA/BFA = Part-time day care in a center or family home consisting of 19 or less enrollment hours of child care per week.

NOTE: The total amount of fees assessed to a family will not exceed ten percent (10%) of the family's gross income for all of their children receiving Transitional Child Care benefits. (Add up the fees assessed for the first child, second child, and so forth. If the total amount exceeds ten percent (10%) of the family's gross income, then the fee assessment is limited to the 10% amount.)

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History of Earned Income Disregards for Individuals Receiving TANF

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GENERAL RULE: Certain disregards of earned income are considered when determining eligibility and payment.

The disregards are allowed in the order shown below and can be applied only for the months in which the income is received.

NOTE: There is an exception when the income is from self-employment. This income is annualized and appropriate disregards are deducted from the monthly average.

Prior to 1/1/98:

The following disregards are given to working individuals prior to 1/1/98:

1. a. Work Related Expenses: Each individual in the assistance unit who is employed, including self-employed individuals, is eligible for a \$90 per month disregard for work expenses. This disregard applies to both full and part-time employment.
- b. \$30 and 1/3 Incentive Disregard: Under this provision, the first \$30 and then 1/3 of the remainder is subtracted.

This disregard cannot be used to establish initial eligibility unless the individual received TANF and PaS in one of the prior 4 months or meets the full need standard test (100% test).

The \$30 and 1/3 disregard is applied to each individual's earned income for 4 consecutive months. If there is any income after the work related expenses, the \$30 and 1/3 disregard must be applied. If any part of it is applied, although it may not effect the payment, the individual is considered to have received the disregard for that month. If an individual loses a job with good cause, and the 4 consecutive months are interrupted, another 4 month period is given. However, if the interruption of the 4 months is the result of a sanction, each month of the sanction is counted as a month of receipt of the disregard.

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History of Earned Income Disregards (cont.)

After the individual has received the 4 consecutive months of the \$30 and 1/3 disregard, they are eligible to receive a \$30 disregard for the next 8 consecutive months. The 8 month period does not change, even if the disregard is not applied. If an individual loses and regains eligibility during the 8 month period, they receive the \$30 disregard only for the remaining months.

After an individual has received the 4 consecutive months of \$30 and 1/3 and the 8 month period of the \$30, they cannot receive either disregard again unless they have not received TANF and PaS for 12 consecutive months.

1/1/98 through 6/30/99:

The following disregards are given to individuals working from 1/1/98 through 6/30/99:

1. For TANF or PaS applicants or recipients living in Cumberland, Androscoggin, Oxford, Franklin, Somerset, Aroostook, Washington, and Hancock counties who have earnings from employment, the Department shall disregard from the monthly earnings, the following:
 - a. twenty percent of the gross earnings; and
 - b. one hundred thirty-four dollars from the remaining earned income

or

For TANF or PaS applicants or recipients living in Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo and York counties who have earnings from employment, the department shall disregard from monthly earnings the following:

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History of Earned Income Disregards (cont.)

- a. one hundred and fifty dollars; and
- b. fifty percent of the remaining earnings that are less than the federal poverty level.
- c. child care disregard up to the cap.

7/1/98 through 9/30/01:

There is one pretest in the determination and redetermination of eligibility:

The gross income test: Gross income includes the total earned and unearned income, before application of any disregards, of those individuals whose income is taken into account in determination eligibility.

NOTE: Gross income must be equal to or less than the amount indicated in the Gross Income Test column of the appropriate chart in the Appendix.

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Reference**History of Disregards and Allocations Applied to Step-Parent Income**

GENERAL RULE: When there is a stepparent in the home, they cannot be included in the filing unit unless they are considered an essential person (see Caretaker Relatives). Whether included or excluded, their income is considered in determining eligibility and payment for the filing unit.

NOTE: A stepparent whose employment requires extended periods away from the home is still considered to be residing in the home.

When the stepparent is included, their income and assets shall be considered as for any individual in the filing unit.

When the stepparent is excluded, the following disregards and allocations will be applied to their monthly income:

Prior to 1/1/98:

1. the first \$90 of their gross earnings,

1/1/98 through 6/30/99:

1. for TANF or PaS applicants for recipients living in Cumberland, Androscoggin, Oxford, Franklin, Somerset, Aroostook, Washington, and Hancock counties, who have earnings from employment, the department shall disregard from the monthly earnings, the following:
 - a. twenty percent of the gross earnings; and
 - b. one hundred thirty-four dollars from the remaining earned income

or

for TANF or PaS applicants for recipients living in Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo and York counties, who have earnings from employment, the department shall disregard from monthly earnings the following:

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Step Parent Disregards and allocations (continued)

- a. one hundred fifty dollars; and
- b. fifty percent of the remaining earnings that are less than the federal poverty level.

Other:

- 2.
 - a. from earned income:

an allocation equal to the full need standard for individuals other than the stepparent living in the same household, but not included in the filing unit, and who are claimed by the stepparent as tax dependents. This does not include the needs of individuals required to be in the filing unit but who have been sanctioned,
 - b. from unearned income:

an allocation equal to the full need standard for the support of the stepparent and other individuals living in the same household, but not included in the filing unit, and who are claimed by the stepparent as tax dependents. This does not include the needs of individuals required to be in the filing unit but who have been sanctioned.
- 3. from earned or unearned income, the actual amount of alimony or child support payments to persons not living in the home,

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Stepparent Disregards and Allocations

4. from earned or unearned income, any amounts actually being paid by the stepparent to individuals not living in the home, but who are claimed or could be claimed by them as tax dependents under IRS rule,

The remainder of the excluded stepparent's income is budgeted as unearned income to the filing unit.

The assets of the excluded stepparent are not considered available to the filing unit even if the legal parent is included on the grant.

The lump sum income of the excluded stepparent is considered as any other income. If the assessed income, including the lump sum, is greater than the filing unit's need standard for the month, the filing unit is ineligible for that month.

7/1/00:

See current policy.

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Reference

History of BUDGETING PRINCIPLES

GENERAL RULE: For purposes of determining eligibility and payment the income already received and any income which can be reasonably anticipated must be taken into account.

Prior to 1/1/98:

There are two tests in the determination and redetermination of eligibility. They are as follows:

000-1

1. The 185% gross income test: Gross income includes the total earned and unearned income, before application of any disregards, of those individuals whose income is taken into account in determining eligibility.

NOTE: The excluded stepparent is counted in the assistance unit for the 185% test only.

NOTE: All of the earned income of a dependent child is excluded from the 185% test when they are full-time students or part-time students not employed full time.

For the purpose of this test, the countable income of excluded stepparents, sponsors, or parents of minor parents is their gross income less applicable disregards. (See Chapter III)

NOTE: Child support received through the Department up to the current monthly obligation will be counted, with the exception of the first \$50.

Child support received directly must also be counted with the exception of the first \$50.

The exclusion cannot exceed \$50 per assistance unit.

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Reference**BUDGETING PRINCIPLES (cont.)**

If the assistance unit's gross income is greater than 185% of the appropriate need standard they are ineligible. If the assistance unit's gross income is equal to or less than 185%, continue to the 100% test (Full Need).

555-6

2. The 100% test: If the gross income less appropriate earned income disregards and allocations is greater than full need they are ineligible.

If the gross income less appropriate disregards and allocations is less than full need determine the TANF and PaS payment.

NOTE: Applicant must pass the 100% test before the \$30 and 1/3 incentive disregards can be applied.

NOTE: An ongoing case need not pass the 100% test before the 30 and 1/3 incentive disregard is applied. If the recipient has not had the benefit of the four consecutive months of 30 and 1/3, they are eligible for it.

NOTE: An individual may receive the \$30 and 1/3 incentive disregard only once unless there has been at least a 12 month period during which the individual has not received TANF. After this 12 month period, the individual who begins work may again receive the \$30 plus 1/3 disregard.

(See Chapter III.)

1/1/98 through 6/30/98:

There is one pretest in the determination and redetermination of eligibility:

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BUDGETING PRINCIPLES (cont.)

The 185% gross income test: Gross income includes the total earned and unearned income, before application of any disregards, of those individuals whose income is taken into account in determining eligibility.

NOTE: The excluded stepparent is counted in the assistance unit for the 185% test.

NOTE: All of the earned income of a dependent child is excluded from the 185% test when they are full-time students or part-time students not employed full time.

For the purpose of this test the countable income of excluded stepparents, sponsors, or parents of minor parents is their gross income less applicable disregards. (See Chapter III.)

NOTE: Child support received through the Department up to the current monthly obligation will be counted, with the exception of the first \$50.

Child support received directly will be counted with the exception of the first \$50.

The exclusion cannot exceed \$50 per assistance unit.

If the assistance unit's gross income is greater than 185% of the appropriate need standard they are ineligible. If the assistance unit's gross income is equal to or less than 185%, calculate the benefits using the appropriate disregards.

On or After 7/1/98:

See current policy.

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History of Calculation of Payment

Prior to 1/1/98:

Subtract appropriate disregards of work related expenses, \$30 and 1/3 or \$30, and child care from the gross earned income. Add the balance to any unearned income and subtract any allowable deductions and allocations to determine countable income.

1/1/98 through 6/30/99:

1. Subtract appropriate disregards and child care from the gross earned income. Add the balance to any unearned income and subtract any allowable deductions and allocations to determine countable income.

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Reference

BUDGETING PRINCIPLES (cont.)

NOTE: For TANF or PaS applicants or recipients living in Cumberland, Androscoggin, Oxford, Franklin, Somerset, Aroostook, Washington, and Hancock counties who have earnings from employment, the Department must disregard from the monthly earnings, the following:

- a. twenty percent of the gross earnings, and
- b. one hundred thirty-four dollars from the remaining earned income.

or

For TANF or PaS applicants or recipients living in Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo and York counties who have earnings from employment, the Department shall disregard from monthly earnings the following:

- a. one hundred and fifty dollars;
- b. fifty percent of the remaining earnings.

On or after 7/1/99:

See current policy.

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BUDGETING PRINCIPLES (cont.)

2. If an adult member of the assistance unit is legally responsible for the support of others living in the home who do not meet the categorical definition of TANF or PaS, allocate the appropriate full need standard from the adult's remaining income.

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NOTE: No allocation can be made to dependents who are otherwise eligible for TANF or PaS. In addition, income will not be allocated to any dependent with assets in excess of the allowable limit.

If an adult member of the assistance unit is legally responsible for and actually paying support for children or alimony to a former spouse outside the home, the support payment is allowed as a deduction.

Child support received minus the first \$50 is added to the countable income until the effective date of assignment.

3. Subtract Countable Income from the need standard. Authorize the difference between the two figures up to the payment maximum. If the result is less than \$10 before application of any recoupment or proration, no check is issued. However, the assistance unit may be eligible for Medicaid.

NOTE: When the countable income is greater than the standard of need, there is no eligibility for TANF or PaS.

4. In the final step round down to the next whole dollar.

On or after 7/1/99:

See current policy.

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SPECIAL NEED HOUSING ALLOWANCE

GENERAL RULE: There is a special need payment of up to \$50 per month for each assistance unit incurring housing costs which equal or exceed 75% of their countable income.

All of the rules and budgeting principles governing the TANF or PaS Basic Grant payment will be applied to the Special Needs (SN) Payment.

EXCEPTION: A separate application for the SN payment is not required. The TANF or PaS application or redetermination is considered a request for the SN payment.

EXCEPTION from 7/1/98 through 6/30/99: Assistance units who are eligible for the Special Needs housing payment on June 1, 1998 who would lose their eligibility or would experience a decrease in payment when the July 1, 1998 TANF benefit increases, will remain eligible for their June 1, 1998 SN payment until the next change in their household would have made them ineligible for the 6/98 SN payment. This rule ends on 6/30/99.

In order to determine eligibility for families in this group, do the following:

1. Determine the family's eligibility for a Special Needs housing payment using the standard of need and maximum payment level used in 6/98.
2. After determining the 6/98 SN payment, add the payment amount to the 7/98 basic TANF grant.

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Countable Income: The countable income of the TANF or PaS assistance unit is:

Prior to 1/1/98:

1. Earned income minus the work related expense, \$30 and 1/3 disregard, and child care expense; as applicable;

1/1/98 through 6/30/99:

1. For TANF or PaS applicants or recipients living in Cumberland, Androscoggin, Oxford, Franklin, Somerset, Aroostook, Washington, and Hancock counties who have earnings from employment, the Department will disregard from the monthly earnings, the following:
 - a. twenty percent of the gross earnings, and
 - b. one hundred thirty-four dollars from the remaining earned income.

or

For TANF or PaS applicants or recipients living in Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo and York counties who have earnings from employment, the Department shall disregard from monthly earnings the following:

- a. one hundred and fifty dollars; and
- b. fifty percent of the remaining earnings.

On or after 7/1/99:

See current policy.